

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
67th Legislative Day
Tuesday, June 23, 2015

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Thomas H. Skolfield, Weld.

Pledge of Allegiance.

Under suspension of the rules, members were allowed to remove their jackets.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act" (EMERGENCY)

(H.P. 839) (L.D. 1221)

House **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-386) AS AMENDED BY HOUSE AMENDMENT "C" (H-485)** thereto in the House on June 22, 2015.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE**.

On motion of Representative GIDEON of Freeport, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 266)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

June 23, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Judiciary

L.D. 351

An Act To Reinstate as a Nonprofit Corporation the Orchard Hills Umbrella Association (EMERGENCY)

Sincerely,

S/Robert B. Hunt

Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 476)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

June 22, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it Indefinitely Postponed Bill "An Act To Promote the Safe Use and Sale of Firearms" (H.P. 282) (L.D. 415) and all accompanying papers, in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-304)** on Bill "An Act To Reverse Jail Consolidation"

(S.P. 61) (L.D. 186)

Signed:

Senators:

ROSEN of Hancock

BURNS of Washington

Representatives:

CHENETTE of Saco

DAVITT of Hampden

GERRISH of Lebanon

LONG of Sherman

NADEAU of Winslow

THERIAULT of China

TIMMONS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-305)** on same Bill.

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro

LAJOIE of Lewiston

WARREN of Hallowell

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-304)**.

READ.

Representative FOWLE of Vassalboro moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative DEVIN of Newcastle moved that the Bill be **TABLED** until later in today's session pending the motion of Representative FOWLE of Vassalboro to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative CHENETTE of Saco **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative FOWLE of Vassalboro to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Table until later in today's session pending the motion of Representative FOWLE of Vassalboro to Accept the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 374

YEA - Alley, Babbidge, Bates, Beavers, Blume, Brooks, Burstein, Chipman, Cooper, DeChant, Devin, Farnsworth, Gideon, Gilbert, Golden, Grant, Grohman, Hawke, Herbig, Hickman, Hobbins, Hogan, Hubbell, Jorgensen, Kornfield, Kumiega, Luchini, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Pierce T, Powers, Rotundo, Rykerson, Saucier, Seavey, Shaw, Stuckey, Tepler, Tucker, Verow, Mr. Speaker.

NAY - Austin, Battle, Beebe-Center, Bickford, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Chapman, Chenette, Corey, Crafts, Daughtry, Davitt, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gillway, Ginzler, Goode, Greenwood, Guerin, Hamann, Hanington, Hanley, Harlow, Head, Herrick, Higgins, Hilliard, Hymanson, Kinney J, Kinney M, Kruger, Lajoie, Lockman, Long, Longstaff, Lyford, Maker, Marean, Martin J, Martin R, McClellan, McElwee, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Russell, Sanderson, Sawicki, Schneek, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor.

ABSENT - Beck, Dion, Farrin, Hobart, Malaby, Sanborn, Wood.

Yes, 46; No, 98; Absent, 7; Excused, 0.

46 having voted in the affirmative and 98 voted in the negative, with 7 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative FOWLE of Vassalboro to **ACCEPT** the Majority **Ought to Pass as Amended** Report **FAILED**.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, first of all, I want to thank the committee for their hard work on this issue. This is not a new issue for many of us around the state, especially those of us representing communities or counties with a receiving jail. So, for many of us, and I think of the folks around the state who have receiving jails, many cases built newer jails, county jails, but board prisoners both for the state, for surrounding counties as well.

Last year we had a very similar debate as far as how to sort of keep our county jails alive. Got to a place where we really didn't do our folks back home any justice, the taxpayers of our communities, so here we are again today. At this point in time, we're looking to reverse the jail consolidation. We're looking to send the jails back to our counties. We're looking to make sure that funding follows those prisoners that might travel from county to county. But, as it stands right now, Mr. Speaker, the motion that's before us has some flaws. It needs some clarities before, I think, many of us in this chamber can support it. And those flaws include some clarity around payments, the amount of payments,

how the money will follow the prisoners that are shipped from one facility to another.

I think other things also and I think of my own county, Somerset County, that's been in a lawsuit with the state for several years going on now, I believe around four. It's in an appeal process. So, for me to be able to support something on this issue as well as, I think, folks from probably Lincoln County as well, my understanding is there's some hesitation in folks from York as well.

So, I think right now, the motion that's before us, Mr. Speaker, is a motion that I probably will not be able to support as it's written now because of some clarities that I need to see, some clarities that I know the folks in my county want to see. So, I think that while I recognize the good work of the committee, I think today's vote, I probably will cast a vote that is in opposition to the pending motion at this time. And if folks can shed some light and some clarity on some of these concerns, I'll be happy to sit and listen. So, thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker, I rise as a member of the committee. What is before you has taken months of negotiation with all the parties involved and what is before us has been supported in its original format from the Maine Sheriffs' Association, the Maine County Commissioners Association. And any last-minute attempts to try to change the compromise that we have come up with and agonized over, is not warranted.

This is the best path forward that does a number of things. It protects our taxpayers. It protects our state interests. And it keeps our county jails going. This continues a hybrid model with a lot of adjustments to ensure accountability. So, I want to walk you through, step by step, what this actually does, what this actually means. So, I beg of your indulgence, but this is really important so everybody in this chamber knows exactly what they're voting for and there's no misconceptions, there's no last-minute amendments, there's no last-minute individuals coming in to try to change what we've come up with.

So, starting July 1st, \$62-plus million, much like under the Board of Corrections, will be coming from the county level. Starting this year, the counties would have the so-called "control," both financially, administratively. We've made sure that we've stipulated that there's some wiggle room at the local level. So, if they need additional monies, you can start collecting taxes based on your LD 1 growth rate, no higher than three percent. This is really important to note because you might not have an increased growth rate in your area. There'll be no increase. You might not need the additional money. But what was really important in the negotiations with the counties is that they want some wiggle room so they don't have to keep coming back to us every year for additional monies.

The state money, at the same time, is \$14.68-plus million on an annual basis. This will ensure both operational monies and community corrections monies. And community corrections monies is really something I really want to zero in on. This is the programming and the creative solutions to reduce recidivism. Things that help drive down the number of individuals that have to cycle through our criminal justice system. And we've increased the split in the amount of money going to that programming in this compromise. It is now going to be a 70/30 split. So, of that \$14.68 million, 30 percent of that, counties have to spend on community corrections—the programming, the ways to reduce recidivism. So, that is a huge chunk of that money. And we're going to be holding them accountable. This isn't going

to be, "Here's a check," and let you go. This ensures that the DOC in collaboration with the County Commissioners Association and Sheriffs' Association spends that wisely. And if they have a better distribution formula, they can come up with it.

So, we've heard on the floor that there's some questions about the distribution formula. If somebody else can come up with a better distribution formula, we have been begging people to come before our committee and say, "Give us the ideal plan." And guess what? All the parties involved said, "This is the best path forward, but there might need to be some adjustments along the way." So, we've stipulated language in this that gives them the power. It gives the DOC, the Department of Corrections, the County Commissioners Association, and the Sheriffs' Association the ability to come together and craft a better distribution formula. That is good public policy. That ensures that they have the final look. They can say, "Hey, this isn't really working. Let's change that distribution formula to be more effective." And we think that that's a good thing.

If the counties are not spending the state money wisely, here's where we have a safety check, right? We have had strong stipulations in this language, so if they don't spend 30 percent of the state money on that programming piece that is so critically important, we will withhold 20 percent of their funding. The DOC would hold that money in escrow until the county can verify to the state that they are in fact going to spend that money appropriately. That is fiscal responsibility at its best. That is strong government accountability.

We've also stipulated that county jails cannot charge a boarding rate for prisoners unless the state has not provided the required minimum funding. So, Mr. Speaker, this is really important so that if we don't meet our end of the bargain, and help provide this funding for both operational money and community corrections, the counties have another outlet. They have another funding revenue stream. So they could then charge up to \$108 per boarding prisoner if we don't meet our end of the bargain. That protects the counties. That's a critical piece.

Now, under the Board of Corrections, we've heard a lot over the last couple of months about what's been effective and not effective under that system. There are, and I think we've all agreed, that there are some key aspects in that forced collaboration that actually can be effective. So, we've carried over the standards and policies and procedures that were successful under that collaboration, under the Board of Corrections, and we brought that over into this. So, we are requiring the Commissioner of Corrections to work out compliance with all the parties and we are using the inspectors that already have compliance recommendations for jail certification. They're going to be the ones that ensure that those great things like the regional transportation hubs and other things to reduce costs in our jails are being carried over. This is something all parties have agreed on. This is something that we can all recognize are a good thing.

And last thing, Mr. Speaker, I promise. One thing that we stipulate is we want to hold them accountable. This isn't about writing a check and just leaving you alone. They have to come before us. The Department of Corrections, the County Commissioners Association, and the Sheriffs' Association have to come before the Criminal Justice and Public Safety Committee every single year and I want to see line by line how they're spending the money. I want to see line by line how they're implementing the standards, policies, and procedures that were effective under the Board of Corrections. I want to see everything. They will be held accountable, Mr. Speaker, by our committee and we have drafted language in this to make sure

that our committee holds the jurisdiction or final recommendation for any legislation that we need to report out to make adjustments along the way.

Is this the best policy? Is this the best legislation? No. It is the best one that we have at this time and we will make adjustments along the way if needed. This protects taxpayers. This protects our jails and keeps it running so that we don't have jails closing their doors. This is the one that has the only bipartisan vote out of our committee. This is the only one that is supported by the County Commissioners Association and the Sheriffs' Association. Mr. Speaker, I urge you to vote "yes" on this motion.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Herrick.

Representative **HERRICK**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, simply put, I've looked over, as a former sheriff for 16 years, Oxford County, my fellow sheriffs, some of them are still in office, some of them retired. I wasn't part of that 2008 issue when it took effect and the Board of Corrections was developed. I've looked over this plan. My good Representative across the aisle, Representative Chenette, I agree with him. It's a plan that needs to move forward. It's good for the people. It's good for state corrections. And, we need to support this and we need to get it done. Thank you, Mr. Speaker.

Representative GIDEON of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 375

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McClellan, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Mr. Speaker.

NAY - Brooks, Bryant, DeChant, Devin, Fecteau, Golden, Hawke, Lajoie, McCabe, McCreight, Rotundo, Short, Stuckey, Tepler.

ABSENT - Beck, Dion, Farrin, Malaby, Sanborn, Wood.

Yes, 131; No, 14; Absent, 6; Excused, 0.

131 having voted in the affirmative and 14 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-304)** was **READ** by the Clerk.

Representative DEVIN of Newcastle **PRESENTED House Amendment "A" (H-496) to Committee Amendment "A" (S-304)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this amendment does four things: it allows boarding rates to be negotiated, it clarifies some language, and it has more precise definition of the formula for expenditure, and finally it contains a precise deadline for payment by the states.

If I take the last issue, first, you're probably wondering, why do we want in statute when the jails will be paid and it says, "by the tenth day of the start of the quarter." Presently, receiving jails do not know when they're going to get paid or how much they're going to get paid. And I ask all you business people out there: how can you run a business when you don't know when you're going to get paid or how much you're going to get paid.

One of the big issues that we've heard is that this amendment would result in double dipping. Well, it's not double dipping because it has two separate revenue sources to cover different expenses incurred by the jails. The operation support fund pays for those state entities, state police, probation and parole, game wardens and any other state law enforcement entity that puts inmates into our jail. As an example, probation and parole has just arrested an individual for a probation violation, and because he came in with cancer with morning, the county is paying to transport him to a cancer treatment on the coast.

The fund in this amendment allows us to charge a boarding rate for out-of-county inmates to be held in our jail. We cannot afford to house inmates from other counties if there is no funding. In short, the amendment allows us to get boarding fees from out-of-county inmates from other counties and has nothing to do with the operational support fund, which pays for the state prisoners put in our jails and mandatory programs set forth to reduce recidivism. For example, I live in Lincoln County. Lincoln County and Sagadahoc County built a regional county jail known as the Twin Bridges Jail. Presently, there are about 140 inmates in Two Bridges Jail. Thirty of those come from Waldo County. When the state presents their money to each county for jails, there is no way to ensure that Waldo County pays the Two Bridges Jail for their inmates. This amendment will ensure that occurs.

What's exciting is that the Maine County Commissions Association and the Maine Sheriffs' Association support this amendment. And with that, Mr. Speaker, I'll sit down. Thank you very much.

Representative **ESPLING** of New Gloucester **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-496) to Committee Amendment "A" (S-304)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Sherman, Representative Long.

Representative **LONG**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I don't arise too often. We've worked this bill. We've had eight work sessions on this bill. And there are a number of issues that have come up that we haven't quite heard the whole truth on.

The boarding rates you've heard about, this is decided by the receiving jail. They get credit for the number of prisoners and the rate is based on this. What happens then—I'll use my own county for example—if an inmate is shipped from Aroostook County to Penobscot County, the money that is allotted for that inmate follows them to Penobscot County. This way, the jails are

getting funded. The purpose of this \$108 that we keep hearing about was to take place in case the state did not follow through with their obligation or their amount of money there was going forward.

This is a compromise reached by a number of individuals on the committee. It was reached with the Sheriffs' Association, the County Commissioners. Once we explained this, there was a little heartburn, but they got over it. Going forward with this bill, as you've heard, there may be a few mistakes made. But if we go forward under the system that this amendment describes, we are actually going to be double dip because they're going to get the money from the state and they're also going to charge, and this is not right. So I'm going to ask everyone to follow my light and defeat this motion.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker, Men and Women of the House, I rise in support of the committee's group Majority Report. I am not in favor of the amendment to attach to this. The committee Majority Report is a strong group effort. My colleagues on the committee, the good Representatives from south and north and myself, right here in the middle, and we have spent many hours, which now has stretched into many days, which I think we're working on months now. We worked together on a report now before you. We collaborated to reach this report, this Majority Report, which addresses the reservations that I had in particular on the communities that I represent and how it would impact them.

This report of the committees, the Majority Report out of committee, limits the growth of the county tax assessments to support the operation of jails. The measure would limit it to a three percent increase in county tax. In other words, if there's no growth in your town and if the additional money isn't needed, there will be no increase to your county tax. If there is significant growth in your town, having the three percent cap in place protects our local taxpayers. To be sure, I double checked with the Town Manager in my town.

I ask you to join me to support the bipartisan group report that came out of committee. I do not ask that any amendment that wants to be included with our Majority Report be voted on. I request that you vote it down. It asks for more monies. It asks for the cap to be lifted, and therefore increases the amount to the county tax, which equates to an increase for the taxpayers. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose her question.

Representative **KINNEY**: I've got a question. Is there currently a guarantee that Waldo County will pay their share to Two Bridges? Because it's my understanding that we not only pay our share, but we pay it early.

The **SPEAKER**: The Representative from Knox, Representative Kinney, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: In reference to the question, I just wanted to respond that part of the amendment would allow for sending jails to actually enter into an agreement with other county facilities. So, I know in the case of Somerset, you know, it's much easier to enter into an agreement with our neighbors in Franklin County than maybe some other jails. So, I think there's a great opportunity for Waldo to probably have a similar

relationship and based on what's written in the amendment, that's really up to the agreement between those two counties and the folks negotiating that. So, hopefully that's helpful.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I rise in support of the pending amendment and I also just wanted to clarify. There was some discussion about an increase in the LD 1 cap and I encourage folks to read the amendment. I encourage folks who don't have the amendment before them to request a copy through the Clerk or through the Speaker because in this amendment proposed, there is actually not the increase of the cap as previously stated.

Really what this does is this is some clarifying language. This is language that has been floating around. I met with my county officials probably about a month ago. It was a hope that this would end up in the final bill. For many folks who've been around for multiple sessions here, many of us representing Somerset County know that Somerset has been in a long sort of dispute and lawsuit with the state around funds. And this is something that was brought forward; it was endorsed by the County Commissioners' Association. It was brought forward, it was worked on and drafted and reviewed by the attorneys from several counties. And really, this is just to clarify some language.

There's been some discussion around, sort of, that double-dipping and, you know, I encourage folks to actually read what's in here in regards to the reimbursement rate and this actually sets a cap at \$108 per day per prisoner under the reimbursement section line "A" and it talks about the sending and receiving jails and the amount computed per diem per prisoner. And also, it talks about an agreed upon amount between the two jails. I think in some cases, some of the counties have been able to work out agreements where there's some, sort of, co-relationship where one county helps facilitate keeping beds full, helps with the transportation, and helps to keep costs down, which sort of helps facilities like the one that is in my county as well as, you know, the one that might be in Lincoln County as well. So, I just wanted to clarify that.

There's some other aspects in this that I think folks can generally, by just reading the summary, understand what the amendment gets at. It's not really an attempt to get more money, or to increase the money, but just to make sure that the counties are receiving their money. One of the most important aspects about this, and I sort of related it in discussions with folks is similar to how our towns pay our school districts. There's a line in this amendment that talks about making sure that the folks receive the money, the counties receive the money from Department of Corrections, in a timely manner. We talked a lot about burden on taxpayers, and I know for those of us that represent larger municipalities, there was a time in our municipality when we were a little cash strapped, so to pay our school districts, we'd actually have to borrow money. We would actually have to borrow money in our municipality to then pay our school district. We changed our tax year to be, sort of, a biannual tax year. We changed our year end and that seemed to help us. So now we're not borrowing money to sort of float the operations of our school district.

So when you look at this amendment, under the summary where it talks about number four, it talks about Department of Corrections paying the counties in a timely manner. And it sets forth a ten day period as far as it relates to being paid within the first ten days of the calendar of the quarter, which for many of our counties, if we're trying to float jail operations—and I think of the facility that's in Somerset County, I think of some of the other

facilities that were discussed today—these are much larger than a small county jail. These are larger facilities, 100-plus prisoners, and the costs are quite expensive to keep these operations going from month-to-month. And in many cases, I know for us in Somerset, a lot of the beds are filled with prisoners that aren't actually all from Somerset County.

So, that seemed like more than a reasonable thing to do. So, I encourage folks to take the opportunity to actually read the amendment and to just see that this is really just providing some clarifying language. It was recommended to those of us from Somerset County that we support this amendment based on, sort of, a legal opinion as well as some clarity that our county administrator was seeking. So, thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen, my York County administrators and commissioners have let me know they do support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker, I wasn't going to speak on this, but I want to take everybody back to 2007 when the county jails were the county jails and the sheriffs were running the jails and the county commissioners were running the jails and what was going on at that time. At that time, and why it changed, was a tax increase to counties where it's increasing on an average of nine percent a year and the state jails were overcrowded.

So the agreement at that time was that we would consolidate and the state would start sending inmates to the county jails with a rate to help solve the problem of overcrowding in the state jails and would help with the tax revenue shortfall that was going on in the counties. Now, there may be issues with Somerset and I know there are issues with Somerset getting their money from state prisoners going down in that whole county jail setup. That's different than what we're referring to—the double-dipping. At that time, the state started funding for county jails and currently in the bill in front of you, there is \$14.8 million to fund, from the state, to help support county jails.

Now, charging the state \$108 for their inmates is one thing, but when you're charging from county-to-county \$108, up to—which this amendment would do—up to \$108 for your inmates that will be sent out, that is a municipal cost, not a state cost. That is something that, when you have 30 inmates on the day that I toured Kennebec County that are housed somewhere else—and I completely understand that they're in Cumberland—but Cumberland is getting their pie of the \$14.8 million. It isn't like they're not getting any state money for having taken on that responsibility. They are getting money. That's where the double-dipping, they are still getting their share of the \$14.8 million and now they will charge Kennebec \$108, up to—I will state that. It doesn't say they will. Negotiated, they said between sheriff-to-sheriff. I question whether or not it's the sheriffs that are doing that negotiation or if it's the county manager that's doing that. So this even changes who would be doing that negotiation.

I want to say that this committee, even though I wasn't on the report that just passed, worked eight work sessions. And I'm not talking where the bill came up and under a hammer went to a table motion. They worked it. They had panels. We had panels of commissioners and sheriffs sitting in front of us twice during those work sessions on how to work this law and make it better. And they worked hard together and they listened to me, who they

knew was on somewhere else on a report. They listened to what I brought to the table and what I questioned, and they amended this bill to a point where I could say, "I'm much more comfortable with that, but I'm still not coming along." Until today, when I feel I need to.

So I think you need to consider the work that this committee has done over the months and who we've had at our committee working this. We've had everyone from Somerset at the table coming in, talking to us, talking to us in the hall, and to pull back on the work that we've done, I think, is not a good move. We can address any concerns that come up that are not addressed in this in January, and I don't think the world's going to fall apart if we don't do it today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Lajoie.

Representative **LAJOIE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, as you will see on your calendar, I'm on the Minority Report and I continued to vote that way on the previous vote on the Majority Report. One of the reasons I did that is because, I guess I've been here since the incipient stage in 2008 when this began, and I saw the progress that the BOC did with the extreme hard work that they put in with the commitments and the good things that they did as well as save money for the counties and the state.

I also sat in with regards as to discussions with the committee, specifically Representative Chenette, Nadeau, and Long, who work extremely hard with the members of the commissioners and the sheriffs to come up with the proposal the Majority Report referred to. And, as much as I believe in the BOC, I don't believe that anything that we would do to bring the BOC back would work unless there was a change on the second floor. But that's my opinion. And therefore, I do support the Majority Report, as it was brought forward, and I would ask that you vote in opposition of the current motion that is on the floor and go with the Majority Report. A lot of work was put in there and there were agreements that were came up with and I believe they were fair, they were justified, and I would ask you to go with the Majority Report only. Thank you.

The SPEAKER: The Chair would remind Members the motion before the House is shall they Adopt House Amendment "A." The Majority Report has been adopted. Remarks can be limited to the motion before us and that is related to House Amendment "A."

The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I apologize for standing a second time, but I wanted to clarify and stress a couple of things. The Maine County Commission Association is in support of this amendment. The Maine Sheriffs' Association is in support of this amendment.

This morning I have been in contact with the County Commissioners from York County, Cumberland County, Somerset County, and Lincoln County, Sagadahoc County. Those five people have all told me that as the bill stands right now, there is no concrete mechanism to ensure that prisoners coming from other counties being housed in receiving jails, there is no mechanism to ensure that that funding follows them. This is from Mr. Joel Merry: "Take Waldo and Oxford for example. Those counties, under the proposed bill will receive funding for all their inmates. However, they don't have a facility to house them. They send their inmates out to Two Bridges or Cumberland, for example."

Now, Cumberland will only receive funding from the state for the Cumberland County inmates only. Two Bridges will only receive funding that came for those prisoners that came from Lincoln and Sagadahoc County. Two Bridges and Cumberland County will get nothing for housing the Waldo inmates. Presently, Two Bridges houses 31 prisoners from Waldo County. And in Two Bridges, we also have prisoners from Androscoggin County, Hancock County, and Kennebec County as well. So this is not just an issue for the counties that have receiving jails. This is an issue for the entire state. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Thank you, Mr. Speaker, I rise in strong opposition to the current motion and the amendment before us. I just want to break down something. We all agreed on this final compromise—the Maine Sheriffs' Association, the Maine County Commissioners Association. Everybody agreed that this was the best path forward. We agreed there might be some bumps in the road, much like anything else, and we have to come back every year to make maybe some minor adjustments.

But for individuals to come last-minute to have, what I would call a "money grab," is despicable. We have a few loud counties...

The SPEAKER: Will the Representative defer? Comments and suggestions of "despicable" question the motives of others will not be tolerated.

The Chair reminded Representative CHENETTE of Saco that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may proceed.

Representative **CHENETTE**: Sorry, Mr. Speaker, but that's how I feel. A few loud counties...

The SPEAKER: Will the Representative defer? If the Representative proceeds, he will be asked not to continue with his remarks.

The Chair advised Representative CHENETTE of Saco that his comments were despicable and questioning the motives of other members of the House would not be tolerated.

The SPEAKER: The Representative may proceed.

Representative **CHENETTE**: Trying really hard, Mr. Speaker. A few loud counties are not playing ball. Okay? We all agreed around our horseshoe, just like all of your committees have worked extremely hard this session. Not one of them really got along in our committee process. We had several conversations, one-on-one, with sheriffs, with county commissioners. We brought everybody together through so many work sessions, and even beyond work sessions, just one-on-one conversations. This took a lot to get to this place.

This is more money, what is in this amendment. They want \$14.68 million from the state, \$62-plus million from the county, and now on top of that you want to charge boarding rates? Who do you think pays for that, Mr. Speaker? We're already paying for operations and programming in our Majority Report. Why are we now saying we're going to add on top of that and double-dip? We've stipulated in the proposal that if the state doesn't meet their fair share, they have this outlet. Then they can charge the boarding rate up to \$108. I think that's a fair deal.

It was mentioned on the House floor, Mr. Speaker, that maybe the state's not going to pay out the money. They're not going to distribute the money. Well, guess what? Then they can charge the boarding rates if we're not meeting our fair share and I bet you anything the amount of the flood of calls from county sheriffs, from county commissioners, and all of us will force the

state to pay. Otherwise, we're going to be paying out of our pockets.

I think it's really important to note that the parties could not identify how much more money they need. And somebody quoted the President of the Sheriffs' Association. So let me quote the President of the Sheriffs' Association. They said they need, "a good year to know for sure about their budget." How they're spending it, how much money they need. So, it's funny how last-minute now, we're coming back to this and saying, "Well, now we want more money." Of course we want more money. Any program, any policy, of course we could always throw more money at it. But is that a sound policy? Is that based in fiscal responsibility, both for our taxpayers, and is it what was agreed upon originally through strong negotiations over many, many months?

What this will do is create a bidding war, which is what we saw consistently over many years. And I would strongly recommend that we turn this down and we support the hard work of the Criminal Justice Committee and the negotiations that we have developed that actually pays more money to the county jails in the current system. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I've received emails from a county administrator and a couple of county commissioners and they support this amendment. And I'd like to thank Representative Devin for putting this amendment in.

It's obvious that the consolidation doesn't work in a lot of areas and I think this is one of those areas. I've talked with sheriffs who've reported that their jails are in disarray from a structural standpoint, simply because they couldn't get the funding back from the state. In Somerset's situation, they haven't been paid for prisoners that they boarded. And again, I'm a firm believer in local control; I think that our county sheriffs should be managing their assets, which is what we're paying them to do. So, another concern is that these counties actually put up bonds that they've invested taxpayer money in these facilities. And I think it is absolutely critical that they control them.

And if I may pose a question through the Chair, I would like to know if, in fact, that the Sheriffs' Association and the County Commissioners Association do support—I think I heard it, but I wanted clarification—do, in fact, support this amendment.

The SPEAKER: The Representative from Embden, Representative Dunphy, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker, both organizations support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as you know, we created the county government and Massachusetts did away with it, so I'm making a motion to Indefinitely Postpone and I ask for a roll call. Thank you.

The same Representative moved that **House Amendment "A" (H-496) to Committee Amendment "A" (S-304) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-496) to Committee Amendment "A" (S-304).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, I rise in opposition of the Indefinite Postponement. Seemed like we were getting to the point where we were going to have a vote on the actual amendment and then we were thrown this curveball.

So, the reason I oppose this is what's before you, I was thinking back, I know this is a confusing issue for folks so I'm trying to think of a way to compare this to something else. And what it's very similar to is something that many of us who've been elected for a while are familiar with. And it's similar in the sense to, like, a Superintendent's agreement. You have folks...

The SPEAKER: Would the Representative defer? The Chair would inquire as to why the Representative from Newfield, Representative Campbell, rises.

Representative **CAMPBELL**: Because there's a motion on the floor and a roll call's been ordered.

The SPEAKER: Yes, the motion on the floor is Indefinite Postponement of House Amendment "A." The Representative may proceed with his comments.

Representative **McCABE**: Thank you, Mr. Speaker, I appreciate it. As I was saying before, you know, for a lot of folks, this might be a new issue. And the discussion that we're having around boarding prisoners and sending them to county facilities is similar to instances that I've been involved with, where children want to attend school in another district. And in those cases, Mr. Speaker, the money actually follows the people from one district to another.

So, I think what we're looking for today is some clarity in our statewide jail system that is very similar to that. So I just provide that as, sort of, a point for folks, a reference point, is so they have something to compare it to. And I encourage folks to vote down the Indefinite Postponement measure so that we actually may take up the amendment and just have an up or down vote on the amendment. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-496) to Committee Amendment "A" (S-304). All those in favor will vote yes, those opposed will vote no.

The Chair recognizes the Representative from Wales, Representative Greenwood, and would inquire why the Member rises?

Representative **GREENWOOD**: I would ask the Chair to clarify the motion on the floor.

The SPEAKER: The motion on the floor is Indefinite Postponement of House Amendment "A" presented by the Representative from Newcastle, Representative Devin. If you are in favor of Indefinitely Postponing House Amendment "A," you will vote green. If you are in favor of not Indefinitely Postponing, you will vote red.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-496) to Committee Amendment "A" (S-304). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 376

YEA - Austin, Battle, Black, Brooks, Buckland, Campbell J, Campbell R, Chace, Chenette, Corey, Crafts, Dillingham, Doore, Dunphy M, Edgecomb, Espling, Foley, Fowle, Fredette, Frey, Gerrish, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Guerin, Hanington, Hanley, Harlow, Head, Herrick, Higgins, Hilliard, Hobbins, Kinney J, Kinney M, Kornfield, Lajoie, Lockman, Long, Lyford, Maker, Marean, Martin J, Martin R, McElwee, Melaragno, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed,

Rotundo, Saucier, Sawicki, Schneck, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

NAY - Alley, Babbidge, Bates, Beavers, Beebe-Center, Bickford, Blume, Bryant, Burstein, Chapman, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Duchesne, Dunphy L, Evangelos, Farnsworth, Fecteau, Gattine, Gideon, Grohman, Hamann, Hawke, Herbig, Hickman, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kruger, Kumiega, Longstaff, Luchini, Mastraccio, McCabe, McClellan, McCreight, McLean, Monaghan, Moonen, Peterson, Picchiotti, Pierce T, Powers, Russell, Rykerson, Sanderson, Shaw, Short, Stetkis, Stuckey, Sukeforth, Tepler, Tucker, Welsh, Mr. Speaker.

ABSENT - Beck, Dion, Farrin, Malaby, Sanborn.

Yes, 86; No, 60; Absent, 5; Excused, 0.

86 having voted in the affirmative and 60 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-496) to Committee Amendment "A" (S-304) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (S-304) was ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-304)** in concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Disposition of Certain Funds Received by the Attorney General Pursuant to a Court Order or Settlement" (EMERGENCY)

(H.P. 961) (L.D. 1414)

Signed:

Senator:

VALENTINO of York

Representatives:

ROTUNDO of Lewiston

FREY of Bangor

GATTINE of Westbrook

GRANT of Gardiner

JORGENSEN of Portland

MARTIN of Eagle Lake

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senators:

HAMPER of Oxford

KATZ of Kennebec

Representatives:

NUTTING of Oakland

SIROCKI of Scarborough

TIMBERLAKE of Turner

WINSOR of Norway

READ.

Representative MARTIN of Eagle Lake moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 377

YEA - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Dion, Farrin, Malaby, McCabe, Sanborn.

Yes, 79; No, 66; Absent, 6; Excused, 0.

79 having voted in the affirmative and 66 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Seven Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-491)** on Bill "An Act To Provide Income Tax Relief by Expanding Gaming Opportunities"

(H.P. 876) (L.D. 1280)

Signed:

Senators:

CYRWAY of Kennebec

COLLINS of York

Representatives:

HANINGTON of Lincoln

KINNEY of Limington

MONAGHAN of Cape Elizabeth

SAUCIER of Presque Isle

TURNER of Burlington

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-492)** on same Bill.

Signed:

Representatives:

GOLDEN of Lewiston

LONGSTAFF of Waterville

Two Members of the same Committee report in Report "C"
Ought Not to Pass on same Bill.

Signed:

Representatives:

LUCHINI of Ellsworth

SCHNECK of Bangor

One Member of the same Committee reports in Report "D"
Ought to Pass as Amended by Committee Amendment "C"
(H-493) on same Bill.

Signed:

Senator:

PATRICK of Oxford

One Member of the same Committee reports in Report "E"
Ought to Pass as Amended by Committee Amendment "D"
(H-494) on same Bill.

Signed:

Senator:

Representative:

DILLINGHAM of Oxford

READ.

Representative LUCHINI of Ellsworth moved that the House
ACCEPT Report "A" **Ought to Pass as Amended.**

Representative FREDETTE of Newport **REQUESTED** a roll
call on the motion to **ACCEPT** Report "A" **Ought to Pass as**
Amended.

More than one-fifth of the members present expressed a
desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative
from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Mr. Speaker, Ladies and
Gentlemen of the House, I rise in opposition to the current
motion. I could base my objection on the probable direct and
indirect job loss that would result with the building of a southern
Maine casino less than 53 miles south of Oxford, that is just
about an hour by vehicle if travelling Route 26 and I-95.

I could base my objection on the probable stalling of the
ongoing economic development that our region is experiencing,
such as the wastewater treatment center under construction on
Route 121 or the hotel that is scheduled to break ground this
month that would provide hospitality, maintenance, security and
numerous other jobs. I could even base my objection on the fact
that this proposal only requires the approval of county and
municipal citizens, rather than the statewide vote that was
required to establish the casinos in Bangor and Oxford.

Rather, I base my objection on the belief that this is a poor
proposal for the citizens of Maine. The interested parties pushing
to expand gaming in the State of Maine cited the White Sands
Report as a supporting document to their quest. They believe
this document was so important that the Veterans and Legal
Affairs Committee should hear it again for the benefit of the new
members. That is why I was surprised that after touting the
findings of this report, it appears the only piece adopted was a
competitive bid process.

The recommendations such as the casino operator license
fee, the term of the license, the tax rate, and the recommendation

that there not be any language that requires or gives weight to
attach a harness racing track were largely ignored by the
supporters of this bill. These recommendations were given to
ensure that any bids made to build a resort casino would provide
the best outcome for the residents of Maine.

Though I personally question the accuracy of a report
produced by a company that benefits from the industry, I was
surprised how easily the recommendations were set aside by
their supporters. I also question the distribution contained within
the proposal. We all know how it works: incentives are included
in the distribution in order to receive support from certain groups
in hopes of persuading votes. And yes, it is what those
supporting the establishment of casinos in Bangor and Oxford did
as well, but I would think that we would learn from those
experiences, that we would be able to recognize the potential of
the revenue source and how it could fund other programs and not
buy into the fear tactics that some use.

This bill proposes six percent to support harness racing
purses and 1.5 percent to support the Sire Stakes Fund. Based
off a report by Todd Gabe, Professor of Economics at the
University of Maine, and using his calculations on the possible
revenue a southern Maine casino could generate, that six percent
and 1.5 percent would roughly be \$8 million and \$2 million in
support of harness racing and the Sire Stakes Program,
respectively. That amount would be in addition to the nearly \$4.8
million and \$1.8 million that the purse supplement fund and the
Sire Stakes Fund receives respectively from our existing casinos.

And I am aware of the argument behind the distribution to
harness racing: that the casinos infringe upon their industry. But
maybe it's time we spread the wealth a little bit. Perhaps more
funding for our Agricultural Fairs in support of their premium
payouts or to help those fairs that host harness racing maintain
their tracks and their paddock areas. Maybe funds to support the
DARE program that we discussed earlier in the year or even our
county jail system that we just debated. I am sure many here
could come up with other worthy programs, many that currently
might reside on the Special Appropriations Table, that could use
funding. I am by no means suggesting that our roads and
veterans—which are also included in the distribution, are not
worthy programs—only that maybe more time and consideration
should've been given to this list.

And in closing, as you can see if you read the report, the
Town and County of Oxford have also been included in the
distribution. Though I appreciate the sponsor's desire and intent
to preserve the level of revenue those local governments are
currently receiving, the residents in the town and surrounding
areas would rather have good jobs and economic growth to
support their own families rather than the pandering to gain
support for the motion. If we are going to expand gaming in
Maine, I respectfully submit that we can do better than this
proposal. I ask that you vote against the pending motion. Thank
you.

The SPEAKER: The Chair recognizes the Representative
from Paris, Representative Herrick.

Representative **HERRICK**: Thank you, Mr. Speaker, Men
and Women of the House, I rise today in opposition to the
pending motion. Prior to my election to this post, I served 16
years as sheriff in Oxford County. The bulk of that period saw
rough times for Oxford County, especially in the late '90's when
we experienced the highest unemployment rate in the state.

And then a group of forward-thinking business people had an
idea and began a development project that would help folks in
Oxford get back on their feet. A state-of-the-art casino,
restaurant, and lounge would finally give folks a chance at a

decent job. The stars would align in 2003 when the people of Maine decided by the slimmest of margins to allow for a second casino in the state. Thousands of people applied. Things were finally changing for the better.

A resurgence has continued in nearly three years that Oxford Casino has been open. Not only do folks have a place to work, but they now have a top-notch restaurant to visit. With regards to the folks that run the casino, they have been excellent. Oxford has a presence at every community event you go to. Just last week I know that they were the lead sponsor for the Moose Lottery Festival in Bethel. They truly have been a great community partner.

Unfortunately, future developments at and around the casino are on hold as the future of gaming in Maine has been uncertain since day one. Even before the doors opened in Oxford, development groups have been pushing, both by citizens' initiative and here at the Legislature, in an effort to saturate the southern Maine casino market. There are currently three casino projects underway in Massachusetts, one of which is a \$1.8 billion dollar facility being built by Steve Wynn. When is enough, enough?

Multiple market-based studies conducted by independent groups have indicated that Oxford Casino would likely lose as much as 50 percent of its revenue and over 200 jobs if a second southern Maine casino were to open just 35 minutes from Portland. Oxford Casino is southern Maine casino. Please vote "no" and support continued Oxford County resurgence that we so badly need. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Timmons.

Representative **TIMMONS**: Thank you, Mr. Speaker and Honorable Members of this House, I'm going to provide a few facts and ask you to support me when I vote in favor of LD 1280. For the past 50 years I've been involved in the industry and the Maine agricultural fairs. They provide an integral part of Maine history. It's a fact, also, that the racinos have supported the Maine agricultural fairs and they still do and this will allow us to continue that.

There are approximately one million people that visit Maine fairs each year. Currently, I am the President of Cumberland Fair. I've been a former member of the Maine State Harness Racing Commission; also, a Director of Racing for 15 years. So I do know how important and how important the racinos have and how much they've supported the Maine fairs. The racinos and the revenue that's going to come from this industry will allow approximately 4,000 individuals that are involved in this business to stay in business. It will also help the nine fairs that also host harness racing to stay in business. They provide entertainment for the fairs and have been doing that for Cumberland Fair for over 100 years.

This bill will have a competitive bidding to that process, will require a \$25 million license fee. You're going to have a capital investment of between \$250 and \$400 million, which is economic development and is one of the few things that I've heard since I've been here that will add to the economy and to keep jobs. In conclusion, Maine agricultural fairs and Maine agriculture plays a very important role in the lives of Maine people. It is a fact that casinos have provided help for that and I'm going to ask you to, once again, vote in support of 1280.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I've lived in York for 30 years, raised three kids there, had a private practice in medicine taking care of

people. Historically, southern Maine is a proud protector and steward of the Maine brand. And a large casino advertised in the gateway to Maine would ruin the brand.

Ten years ago, on the New Hampshire to Maine bridge, there was a public uproar when utility wires were prepared to string across the bridge, visible to the traffic. It was a 10 second drive—less than 10 second drive, timed over the bridge. It was the entrance to Maine and the wires were buried at great cost. We're proud of our gateway status. Casinos No was a grassroots advocacy group which started in York and southern Maine to reject casinos statewide more than 10 years ago during the 2003 statewide referendum.

Representative Marion Fuller Brown, from 1966 to 1972, was a proud sponsor in this chamber of the law banning billboards on the highway. It's been a lasting protection that went up to the US Supreme Court. And I quote, "The Maine Act served substantial government interests through the preservation of aesthetic values." End quote.

Maine's brand is natural resources, not casinos. We take great pride preserving land, rivers, beaches, great woods, and marshes in southern Maine for a family-friendly, safe, healthy way of life and a destination which is distinctly Maine. Entering the state onto 95 into a casino culture would alter the perception of what Maine is. In addition, the cultural changes a large casino would bring to our southern Maine communities would alter them for the worse. Thank you. I'm voting "no."

The SPEAKER: The Chair recognizes the Representative from Washburn, Representative White.

Representative **WHITE**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I rise in support of the pending motion. Casinos are the only business in Maine protected by the state government. If I want to open a casino and invest upwards of half a billion dollars in our economy and job market, I need to go through the Legislature. Mr. Speaker, if I want to open a McDonald's restaurant across the street from a Burger King, I don't need to go to the Legislature; I need to go to the municipality.

By protecting these businesses on the state level, we are allowing complacency to set in and discouraging free market. In doing so, we are removing any incentive for the casino to re-invest in itself, to expand, or to offer more to attract its customers. We are currently not offering any destination casinos here in Maine; we're offering convenience casinos. The majority of our current casinos' patrons live in the vicinity and travel less than an hour and a half to visit. This is our opportunity to raise the bar, Mr. Speaker. To bring competitive New England attractions right here to Maine. The opponents claim it's unfair to open a casino in southern Maine because of its proximity to Oxford. Do you believe Oxford was all that concerned when they were here in 2010 looking to build a casino in the proximity to Bangor?

The difference being, Mr. Speaker, that this time around, the municipalities of Oxford and Bangor are actually a part of the financial distribution, meaning an estimated \$1.3 million will be distributed annually to each respectively, giving the municipalities a net increase in tax revenue, lessening the tax burden on its residents. That seems more than fair to me Mr. Speaker. In fact I believe that's 100 percent more than the City of Bangor receives from Oxford casino currently.

Opponents also claim that harness racing shouldn't be coupled with casinos. Coupling harness racing with a casino is about maximizing jobs and a casino's impact statewide. Rather than the 500 direct jobs associated with a new business opening, we're ensuring up to 20,000 jobs from Kittery to the Saint John Valley are supported for future generations to come. These

people are farmers, feed and grain stores, tack shops, drivers, trainers, grooms, truck and trailer sales, and the list goes on. They pay taxes, hire employees, and contribute to our overall economy.

For all these reasons and more, Mr. Speaker, I will be supporting LD 1280, and I encourage you to join me so we can make Maine a destination and a "vacationland" for more than just six months a year. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of LD 1280. I was the one that originally put this bill in. I want to start off by thanking the Veterans and Legal Affairs Committee. This was a bill that took a long time. They worked it really hard. Even a couple of the members that decided to vote against the bill put a lot of input into the bill, so I was very appreciative of that.

What we're looking at here is a minimum capital investment of \$250 million; a \$25 million license fee. Currently, at the two current casinos, their initial license fee was \$125 million and \$150 million, respectively. We heard talk about the difference between a countywide vote and a statewide vote. Yes, on a statewide vote, the developers set the rules. This bill here, we are setting the rules. This is a competitive bid process. If we allow the developers to set the rules, you won't have a \$25 million license fee. If we had done this exercise back in 1992 or 2003, we probably wouldn't have left a total of maybe \$50 million on the table for the license fee part because the developers picked a low license fee.

One of the most amazing stats during the whole process here was something I received from Maine Tourism. From Portland, Casco Bay, south, is 40 percent of Maine's entire tourism dollar. And if you're familiar with southern Maine, you know there's very little west of the turnpike. So we have a very small area where a lot of tourists go. My worry long-term is, there will be a casino sometime in New Hampshire. There are casinos now being built in Massachusetts. Do we want to leave Maine out? If you have tourists that like to gamble and they're going away for a long weekend and a couple of the days may be rainy, do they stay home, so we not only lose sales tax money, meals and lodging tax money, along with gaming revenue? That's my worry long-term if we don't step up and put a resort casino in southern Maine.

As I said before, the competitive bid process, the minimum capital investment is \$250 million and that doesn't count the license fee, land acquisition, or any other cost outside the casino property, such as roads and new construction around the casino. We're looking at probably a \$400 to \$500 million project with about a thousand ongoing jobs. I believe that probably every one of us—and I looked at mine; palm card—talked about creating jobs. In the two current casinos that were built, Oxford—about a \$65 million project—employed about a thousand contractors to build the casino. Bangor was about \$130 million project, which employed approximately 2,000 employees to build the casino. If a project that's \$130 million employs 2,000, how much would a \$400 to \$500 million facility employ for the construction? These are all good paying construction jobs.

I think that another big number that I saw during this whole process was the aggregate income number. If you take 90 miles around Bangor, the aggregate income is approximately \$14 billion. Ninety miles around Oxford is approximately \$30 billion. Ninety miles around the center of York County is \$194 billion. Just on population, that same 90 miles around Bangor, there's approximately 550,000 people. The same 90 miles around

Oxford is just over a million people. That same 90 miles around the center of York County is 5.7 million people. We only have 1.3 million people in Maine. This southern Maine resort will be supported by our tourists and out-of-state dollars. Currently, 93 percent of the visitors going to Hollywood Casino are Mainers. And I think the number is around 86 percent going to Oxford. A southern Maine resort casino is going to be a majority from out-of-state and we will be exporting our cost of here in Maine.

And as we heard during the Highway Fund debate, we heard how short we are on Highway Fund dollars. That's why in this bill, we put a large amount of the money into DOT. We're approximately \$120 to \$150 million short right now in highway funding. This project, this tax disbursement gets us about a quarter of the way on our shortage, which I think is very important. The other important thing is we have one of the largest veterans' groups, the veterans' populations in the whole country per capita. And we don't do enough for our veterans and I think that was very important that we put extra money in for our veterans.

So, in closing, Mr. Speaker, I would really appreciate the support of everybody in the chamber. I know that the best thing about a debate like this: it's not a Republican/Democrat. It's a regional, it's a philosophical debate, but it's not a Republican/Democrat debate and those debates are more enjoyable because we're not just fighting across the aisle. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, just wanted to rise and clarify that although I moved this report, I'm actually rising in opposition to the pending motion and I do so because I believe this report as written shortchanges the potential investment for expanded gaming in southern Maine, which is, as we all know, by far has the most potential for expanded gaming in the state. And the basis for my opposition, as was referenced earlier by a few Representatives, was a report that we commissioned last session. We hired a consulting group, the White Sand Consulting Group, to come in, analyze our gaming market, and make recommendations on how best to expand.

Specifically, we asked them how best to expand gaming in a way that maximizes job creation and economic development. The consultant printed the report, made these recommendations to us on how to structure a competitive bid that accomplishes these goals. Unfortunately, the report before us ignores most of those recommendations. I think multiple people have talked about the importance of bidding on the capital investment—that's bidding on the facility itself. That way, we can maximize the resort facility in a way that creates a lot of jobs, has plenty of ancillary offerings where jobs are created in places like restaurants, shops, arenas, convention centers.

However, the goal should be to maximize the capital investment, not simply set a minimum. And I'll quote the report. They say, "It's the capital investment in gaming that's the surest multiplier of a region's economy and our recommendations reflect a clear bias in favor of a robust capital investment requirement over a high license fee or tax rate." While this report does bid the capital investment, it completely ignores the recommendations regarding license fees and tax rates, and as a result, we'll end up with significantly smaller capital investment.

The White Sand Report recommends us setting the license fee at \$5 million. The Majority Report here multiplies that by five, for \$25 million, and it does this despite the fact that we're cautioned that even a modest increase in the amount of a license

fee will materially impact the amount of capital a potential operator is willing to invest. And further, it can shrink the potential pool of bidders. By choosing a high license fee, as the report says, we're choosing short-term revenue over long-term investment in jobs and economic development in the state.

Along very similar lines, this bill implements an extremely high tax rate of 46 percent. While it may work for two casinos, it's very high in the new situation where we would have three. In the report which we were given, recommended a tax rate of 35 percent and they said that's the upper end of the range that they would recommend. And the high tax rate is problematic for a few reasons. First of all, it'll reduce the amount of capital that investors are willing to invest in the facility because it will drastically reduce their return on capital. It'll weaken our pool of bidders. The lower tax rate would put us in a much better situation to compete with New Hampshire, potentially, and Massachusetts, who have set rates—or, New Hampshire's proposed rate's at 35; Massachusetts has a blended rate at 25. The lower tax rate also helps mitigate the cannibalization that will occur on the other two properties in the State of Maine. We've heard a lot about oversaturation up on the east coast and it's true. A lot of casinos are closing. And in fact, the Chief Executive's Office submitted testimony in opposition to this bill and he cited specifically the severe impact communities will have based on the cannibalization when we incorporate a new southern Maine casino. And I agree with the Chief Executive on that.

The other area which was quickly talked about is the tax distribution. Obviously, these casinos generate a lot of money; it can go to a lot of worthy purposes. And I don't think anybody disagrees that we need to spend more on roads and we need to help our veterans. But one area that I question, and it will be no surprise to people on the committee, is whether or not it's a sound financial decision to send millions of dollars to one industry and that in looking at this, it's biased towards the harness racing industry. In fact, looking at this, this tax distribution as given by the bill's sponsor, we would give over \$10 million annually from this casino to the industry. And we can add that on top of the over \$10 million that we're already giving from Bangor and Oxford. So, I think we have to question whether or not, as a state, we want to send over \$20 million of tax money to one industry; whether that's a good financial decision.

Lastly, one of the last topics of opposition that came up in committee is that this doesn't have a statewide referendum vote on it, as the previous bills had, or the two existing casinos had. Just three years ago the voters voted on a southern Maine casino and the voters rejected it. And now we're putting one back out there, except this time we're saying that they can't vote on it. This would only limit the voting to county and local votes.

So, to conclude, I think as a policy matter, we should be focused on maximizing the investment in Maine, the long-term investment, not the short-term capital. I think this report falls short of those goals and that's why I'm voting against the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, a lot of people have said a lot of the things that I wanted to say, so this will be short and hopefully sweet. One of the best parts about this, for me, was that when you consider this legislation—I am in strong support of it—it gives enhanced consideration to the harness racing industry if there is a harness racing track, and that is huge for Maine. It also, the \$250 million investment, is also excellent and we have

been fighting for jobs, jobs, jobs. Not only will there be a thousand continuing jobs, but thousands more that support our agricultural fairs, our farmers, and the harness racing industry. And it is a win-win with tax revenues to veteran services, the Maine DOT Highway, Bridges, and Capital account, and it also protects the municipalities like Bangor and Oxford casinos.

And one of my favorite reasons for this is my dad took me to play the ponies when I was 10. I put two bucks down on a horse and I won \$20. And since that time, I've played the ponies again and never lost a nickel. So, maybe I'm lucky and I shouldn't have spoken up about that, but I'm looking forward to donning a big brimmed hat, ordering up a mint julip, and playing those ponies close to home.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I am not a gambler, but that doesn't stop me from going to a resort that has a casino, just like the Maine State Lottery doesn't stop me from patronizing a convenience store. The truth? If you don't gamble, you don't think about gambling. That is, until the debate over casinos hits the Maine Legislature.

I think it's time for Maine to relax and compete, because, you know what? While we've been hard at work debating and fearing that one or two more casinos in our beautiful state will hurt current successful Maine casinos, Massachusetts has been hard at work building three resort casinos. They've captured capital investment dollars and created thousands of jobs. Soon, Massachusetts will be eating Maine's casinos' lunch.

Over the years, casino-style gambling has become a more widely accepted form of entertainment. While Maine has been debating, Massachusetts has taken a long, hard, comprehensive look. According to Spectrum Gaming Group, only nine percent of resort-goers cite gambling as their primary reason to go to a resort. Resort casinos attract more affluent adults beyond those typically characterized as gaming-centric.

The study goes further. What are people looking for in a vacation experience? At the top of the list, they want to go to a place they have never been before with experiences that include beach, spa, dining, shopping, theme park, nightlife, entertainment, golf, and tennis. Well, hello, Maine. Vacationland. The way life should be. Are we open for business? I say, yes. It's time to compete. Done right, a resort casino in Maine can be done responsibly, strategically, and tastefully, in a uniquely Maine style without compromising Maine's brand and values; only expanding and enhancing it.

Maine's tourism industry has a great opportunity. As other states fully integrate casino gambling into resort-style tourism, Maine's tourism industry should deeply ponder if holding back is a smart move. In recent weeks, right here in this chamber, we grappled with mining in our beautiful state, along with wind development, all in the name of jobs. As I ponder the number of jobs to the risk of hurting our environment, Maine's prime asset, our quality of place, I couldn't help but think: Tastefully done, resort-style casinos could bring far more jobs and preserve our environment. I noted further the number of call centers who choose to come to Maine. There's a reason, Mr. Speaker. Maine has really nice and hardworking people. Indeed, Maine has everything right here to be a natural leader in hospitality.

Think about it. Who among us here doesn't cherish Maine's diverse and abundant resources, pastoral landscapes, farms, woodlands, oceans, lakes, mountains, farmer's markets, agricultural fairs, lobsters, blueberries, maple syrup, snowmobile trails, snowshoeing and downhill skiing, hunting, fishing,

camping, hiking, cycling, microbreweries, foodie tours, arts and entertainment, plays, comedy, concerts, harness racing, salt marshes, and gambling. As our nation ages, seniors who once participated in rigorous outdoor activities are now opting for more passive entertainment. Expanding gambling and expanding nightlife will extend Maine's day and season, bringing in more jobs and business opportunity. Gambling, integrated with Maine tourism, could anchor key regions of Maine's vast experiences. From the beaches to the south, to the mountains to the west, up to the city-rich and arts and entertainment, to Maine's northern tribe region, those searching for a unique and different experience will surely find it here in Maine. I sure hope Maine is open for business. I hope you will follow my light and vote "yes" for LD 1280. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, while the reality is setting in of a bill I'm fond of not having succeeded moments ago in the other body, I am in support of this bill. And I think I'm safe in saying that the tribes as a whole support the report that clearly eliminated any doubt that there was room for expanded gaming in the State of Maine. I think I'm also safe in saying that the benefits that will come out of this business proposal through this process, which will benefit the veterans, which I'm proud to be able to in any way help achieve as a member of the Veterans and Legal Affairs Committee that you appointed me to and which I am grateful for, is enough of a reason.

But more than that, the jobs, the help to the economies and the communities this may be situated in, the tremendous support as represented by all the people in the gallery—the companies, the supporters—who are ready to make the investments, albeit seemingly high in the language of the present bill. Maybe not quite consistent with the White Sand Gaming Report, but they're eager to invest. For some reason, they think it's a good deal.

It's likely that the other gaming businesses in Oxford and Bangor probably have, as a fallback position, that they're quite pleased with the language in this bill that will compensate for impacts in the municipalities that the current gaming operations exists, specifically Oxford and the region, where there is a huge fund that stands ready once this business is operating and the funds are deposited with the Gambling Control Board to offset impacts as they occur, whenever they occur, forever. This, as I understand it, is the safety mechanism and it was well thought out. Over several months, experts testified and made sense.

And, so for all of those reasons, I, for one, stand by the road and cheer them on and hope that you agree and pass this excellent business opportunity, despite its flaws, despite the high tax rate, and despite the seeming willingness by these companies, by these supporters to still do this deal if it's offered to them, if they're successful in the bidding process. A bidding process, by the way, that was required two years ago to be established. A bidding process, though flawed, that now exists. The goal was set. We've crossed the goal line with this bill. However it happened, we've now crossed the goal line and we can't now move the goal posts again because of technicalities, because it just doesn't quite comport with exactly the White Sand Gaming Report recommendations. All of that's true, but we could do that every session. We could find how it just doesn't quite comport.

Now, I think that the economy is such that Maine would benefit significantly. A \$15 billion industry still exists. We've only used up about \$6 to \$6.5 billion as I understand it. There's plenty of room for expansion or they wouldn't be building a billion dollar

facility to the south. They wouldn't have come close in New Hampshire to building theirs, and in western Massachusetts or eastern New York in Greenwich, where I think they're set. These two companies have casinos around the world and I don't think they're going to suffer too much if we bring on another one. And I think that, again, there has been great wisdom in the bill and having a fund to offset Oxford and the region and the expected money that should flow there to pay for what they plan on those funds to pay for. And I hope that in the cascade, which will be developed in the second half of the session, that safety can be provided to Bangor for any and all impacts to the mortgage payment with the Cross Insurance Center and I'm sure that would happen, especially if I'm on the committee. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, while we're talking about the journey this year on gaming opportunities, this journey has been many, many, many years in the making. I've been working on this issue for seven years and I know the good Senator Valentino has been working on it for many more.

So, my district hates gaming. It votes against it consistently. I grew up in Oxford County. I've even lived in Philadelphia, so I've seen Atlantic City firsthand and the negative aspects of it. So when I first came back to Maine, I was categorically opposed to casinos. The only casino that I've ever voted for at the ballot box is the Washington County casino. And then I was put on the Veterans and Legal Affairs Committee, where I started to learn a little bit more about it. I started learning that the industry, through referendum, had largely written all of the rules. Imagine an industry that created the regulations by which it was then regulated. Under any other area of business, we would have very serious concerns about that. But that's what you have before you.

Now, most of you know, I'm a huge fan of the citizens' initiative process. But these aren't just citizens' initiatives. These are corporate initiatives designed to make sure that they create a referendum that is written exclusively the way that they want. And that's where my perception on gaming started to shift. It was no longer about whether or not to have a casino, because we now have two. It was actually about how we regulate the casinos. How we manage the influx of referenda.

Now, back in the 125th, I refused to vote in support of the casino referenda on the floor of the House and in committee. I refused to allow a competing measure on the Oxford casino. Absolutely opposed it because I didn't think that it was the right process. I told folks then, and I became quite an enemy of the industry, I became quite the enemy of the harness racing industry because I refused to switch the process. Folks had collected signatures. It should go out to the ballot box. And I said then, if it came to us in a bill, if we were able to do a statewide, comprehensive policy, I would support developing a competitive bid process.

And so a truce has been held. A ceasefire on referenda was called by the industry in the hopes that the Legislature would do the right thing and create a competitive bid process. Now it's not that they don't mind spending the \$400,000 it takes to get on the ballot and the \$2 or \$3 million at the ballot box to win, if not \$5 million. It's not that it's cheaper. It's that it comes down to the market share. So we've heard a lot about the market share of Bangor, the market share of Oxford, and how this bill before you, this amendment, threatens that.

But what threatens it more is the unpredictability of the citizens' initiative process. If this package does not move forward, the ceasefire will be called off and instead of being able to have a fair shake at putting in a proposal and letting the best proposal win, getting the best deal for Maine through a competitive bid process where we write the rules, where we write the regulations, where we are in charge of the process, instead of that, it will come by referendum that is not a citizens' referendum per se, it is a corporate referendum. Out-of-state folks will be hired to come in. As I said, it'll cost about \$400,000 to get it on the ballot, and we will have more referenda coming. And some of those are going to pass.

Now I stood here last year absolutely opposed to the bill that would bring forth the White Sands Gaming Report and the reason for it at the time was because it had very key phrase in that bill. It said, "If a market exists, then you can look at the rest of the equation." And we had already seen a report submitted by Churchill Downs and Hollywood Slots that basically outlined that there was no market in Maine for expanded gaming. So with that knowledge, I understood that the way that the study was written was designed to preclude any new information from coming. And I felt at that time...

The SPEAKER: Will the Representative defer? The Chair recognizes the Representative from Bangor, Representative Goode, and inquires to why the Representative rises.

Representative **GOODE**: Thank you, Mr. Speaker, I would inquire as to whether a quorum is present.

Representative GOODE of Bangor inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

The SPEAKER: The Chair would also, before we proceed with the debate with Representative Russell of Portland, there was a suspicion or hope that this might be our last and final long night. That is going to be determined by the length of debates. We do have a number of bills to get through, but it will be determined by the Members and the length of debate. We have six Members in the queue.

The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker, Men and Women of the House, and thank you to my good friend from Bangor. We can now quantify how many people leave the room when I stand up. So as I was saying, I was against the gaming proposal and the study last year. Oh, here we go. And as it turned out, the gaming proposal confirmed what some of us had been fighting for last year all along. We paid \$150,000 to White Sands Gaming to put together a report that basically told us what some of us had been fighting for. And so now we have that report before us and the work of the committee has been really great this year and I really appreciate it, especially since I'm no longer on the committee.

But there are some folks that have said that this strays greatly from the White Sands Gaming Proposal and I would disagree. So it requires a nonrefundable application fee of \$250,000 just like White Sands Gaming. Yes, the license fee is significantly higher and that has a lot to do with making sure that we have money set aside in case there's any problem that might be considered up around crime or any of those things even though we know that that's probably not going to happen.

So, essentially, what we're looking at is another \$5.5 million a year towards veterans. And let me break that down for you about what that means. It's not just \$5.5 million for veterans. Some of

the programs that the Veterans and Legal Affairs Committee has been working on and trying to find money for over the past years include transportation vans. There's a group of veterans that travel the state in vans and they make sure that veterans get to their medical appointments. And then several years ago we allocated a whopping \$15,000 to replace a van because they desperately needed it. Imagine what we could do with \$5.5 million. Veteran services officers across the state, some the state pays for and some come through the American Vets and the VFW, among others. The Veterans Services Officers often bring in millions and millions and millions of dollars in new earned benefits for our veterans every year and every year it continues to accumulate.

That's a significant return on investment. Some of those veterans move from MaineCare to the VA, again a cost savings for the state. Not that long ago, I drove from here to DC in my little car and I have to say that our roads were the worst all across the eastern seaboard. And we all know that. Every time you take your car to the repair, it has to do with the potholes. We're putting \$55 million into the transportation budget and as you may know that money is untouchable. The only folks that can touch that are the Transportation Committee and through the transportation budget.

The other reason that I'm supporting this is that I learned over time something that was really important to Maine's culture and to Maine's heritage. Everyone that grew up here has a memory of going to the fair: riding the carousel, riding the Ferris wheel, having some fried dough, and more importantly watching the animals. Our children learn at the fair about what agriculture looks like. If we lose the harness racing industry, which is predicated on having a track that is making money in southern Maine, if the harness racing industry goes under, about half of our fairs will close in the next year and a half to two years all across the state. In the most rural parts of the state, the fairs will close. That is a problem not just for our children who learn; it's a problem for our young farmers who want to be able to have a place to compete their stock. That is a real problem for Maine. We need to preserve our heritage and sometimes the choices in how you do that are difficult. But this is based on a report that quantifies the value that gaming can bring to this state.

When we debated last year the liquor contract, folks wanted the same thing. They wanted the best deal for Maine and the industry wanted a fair chance at a competitive bid process. That's what this does. If you oppose gaming and expanded gaming, then this bill may not be for you. If you live in a region where gaming already exists, this bill may not be for you. But if you are concerned about dramatic expansion of gaming, I would highly recommend that you think about what happens when we continue to have referendum after referendum coming forth. That is where the market is a problem. That is where we continue to see expanded, expanded, expanded gaming.

This expands gaming in a responsible manner. It means that we actually set the regulations. We determine where the money goes. It is not decided by industry. That's the key factor. This bill means that gaming going forward, we have a statewide gaming policy that is designed and regulated by us and not regulated by the industry like it has been in the past. Let's make sure that the truce on the referenda continues and that we use the competitive bid process to get the best deal for Maine. Gaming is here whether you like it or not. But let's make sure that the folks at home, the fairs, the harness racing industry, our heritage, are protected in the process. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, we all have limited expendable incomes. I believe in spending much of mine by buying local. My good friends on both sides of the aisle: you can rest assured that the casinos want to be here to make money. This is their business model. The house never loses in the end. They do not want to come here out of the goodness of their hearts or concern for Maine's economy. It's all about the money they will make and take.

The money will be sucked out of Mainers' expendable—and sadly sometimes non-expendable incomes—and sent flying out of state never to return. Do you believe in buying local and truly supporting the local economy? If you do, please join me in supporting Maine's locally-owned businesses by voting against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Men and Women of the House, having served on the Veterans and Legal Affairs Committee, we've been dealing with these types of bills in the last couple sessions. And if you've followed the papers and if you've followed the articles that have been written and if you've followed gaming throughout this country, as long as we have opportunity in Maine, this is going to continue.

The one item that the members of the Veterans and Legal Affairs Committee have always wanted to do is help Maine veterans and 1280 is the legislation that can accomplish this task. I realize that gaming presently does help veterans. We spend \$15,000 a year on a van. What a great deal. We also do, as the good Representative from Portland just mentioned, we do fund two VSO offices over at Togus and without those VSO offices over at Togus, a lot of people would be losing their rightly earned veterans' eligibility items that they're entitled to. The one thing that I want you to think about on this bill: this bill will demonstrate to the entire nation, this great country, how Maine leads. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, long, long ago in 1993 in this body, there lived a bill. That bill was called, "Would we like to have the first casino in Maine?" I sat over here in Seat No. 97. The sun was streaming through the windows and we had the same debate over and over and over. Went on forever, especially if you knew some of the people who had to speak.

The first casino would come to live in a place named Calais. This bill would allow Harrah, the developer, to spend \$40 million in a building. This building then, in five years, would be gifted to the tribes. They were also to spend \$40 million in the community. \$40 million in building another nine holes in the golf course, public transportation, total investment in this small community.

Well, the debate went on and on and on and the debate was interesting. We have come to the lowest level of sponsorship of an industry which is the lowest in the world: gambling. Well, we had been gambling. The state was already in the scratch ticket business. Well, anyway, it went on and it went on. I am not in favor of gambling. I never have been. When I was a kid, my grandmother wouldn't let us play cards on Sundays.

But I looked at this as a development project. This is a development project that was going to spend \$80 million in a small town in Calais right across the border from Canada. This was the first casino proposed in Maine. Well, the debate was, as I've mentioned, but they also mentioned, "Well, if you don't allow us to do this in Calais, what will you do for Calais?" And the

response was, "Oh, we will do things for Calais." Here we are 23 years later; have we done anything for Calais? No, we haven't done anything for Calais.

That investment was not going anywhere. \$80 million in a small community. Now, listen to the numbers that we're talking about here. Incredible. \$25 million fee just to apply. The money to support that industry was going to come from Canada. And it wasn't going back across the border. That's the nature of the business. Well, unfortunately, it didn't happen. I'm saddened that we passed up the first opportunity. Since, there have been a few casinos built right across the border. Guess what? They don't come across the border anymore to spend their money. It's unfortunate and really saddens me to think that we passed up that development opportunity for Calais. So I hope you consider this proposal and invest in Maine. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of LD 1280 and I'm absolutely sure that's of no surprise to anyone. A southern Maine casino with a racetrack, we all talk about jobs and we talk about impact of new business in Maine, and this bill will give us both. Passing this bill will create a trifecta of job creation, investments, preservation of farms and open space.

I've been involved in the harness racing business for more than 30 years. And for 25 of those years, my wife and I have operated a breeding farm where we bred, raised, and raced Maine horses. Our farm contributed to the local economy. We pay a substantial real estate tax, and we kept the farm in open space and preserved the farm from development. My farm is in York County, sits on the edge of the Saco River, and it's a 60-acre site of prime development. And if it wasn't for harness racing, this farm would've been full of houses by now.

We bought the farm in 1988. It was already an approved subdivision. Linda and I removed the subdivision option and put the farm back into agriculture production. One thing that we did for sure, was that we preserved this 250-year-old farm on the Saco River in York County from development. Approving the effort of the southern Maine casino with a racetrack will not only save more farms and open space, it will also create agricultural development jobs and investment.

One of the things that's not been spoken about here today is the investment of the harness racing industry. It's a considerable investment for any individual to get into the harness racing business and it's a risk. There is opportunity to recoup some of your investments, but it's a huge risk. The cascade in this bill, of which there are many, it's important to remember that the harness racing industry's funds that would come under this cascade will require those who participate in harness racing to make considerable individual investments with no guarantee that they will ever going to receive a dime. There are a lot of other recipients in this cascade that just receive the funds without having to make any investments at all.

The harness racing impact, because of the required investments going forward, is a huge investment for a lot of folks. Breeding and raising horses in Maine is no guarantee that you receive any of the funds that are available from the cascades. It is important for the Legislature and the public to understand that no one in harness racing receives any purse money or any sire stakes money until they earn it. You have to own the horse, pay all the expenses that are associated with it. You have to be licensed by the State of Maine.

Not only do you have to fulfill all of these requirements, your horse also has to beat certain standards in order to race. Once a

horse has met the standards and has qualified and got along with all the criteria that was necessary, the only way to receive any money is if you finish in the top five of a race. If you finish any place sixth place or back, you just came along for the fun; you don't get any money at all.

The breeding program is by far the largest risk of all, especially if you're the owner of the mare, also known as the mother of the foal. Only about 50 percent of all mares that are bred will actually get pregnant and carry their foal to birth. Yet, you still have to care for the mare whether she has the baby or not. If she has a foal and it actually lives, and goes into training as a sire stakes horse and actually makes it and actually qualifies, by the time you get this done, it's a three-year effort and a cost of about \$30,000. Doesn't mean you're going to get a dime of the cascade money until you've raced, crossed the finish line in a position of five or better.

The mare carries the foal for 11 months. If she ends up not being pregnant for next spring, you've wasted a whole year. You have to go through all the process again. All of that costs money. All of that requires farm. All of that requires another investment in another year in hopes that you might get something. This is a very risky business. It requires a lot of love for the sport and a lot of courage. The only way to keep folks investing in this business is to offer a large purses to race for and that is what these casinos can do for us. All of this requires farming infrastructure, considerable investment, and a lot of open space. Farms that provide open space and public access to their land for hunting, fishing, and recreation.

Racing and breeding in Maine is a huge contribution to the state and to our agriculture and we've been doing it for over 100 years. Without horse racing, our agricultural fairs will struggle to survive. Can you imagine Maine without our fairs? They are one of the last places that we can teach our children about agriculture. To sum it up, yesterday in Massachusetts, they opened a new casino at Plainridge Raceway; the first casino to open in Massachusetts. Believe it or not, those folks in Mass. were smart enough to tie a racetrack to that casino and make it part of the requirement for building an opening.

Last week, I spent three days in Washington at the nation's capital. I'm on the Board of Trustees of the American Horse Council. All breeds of the American Horse Council were representing at that three-day meeting where we talked and discussed about the impact of the horse. The horse in the United States is a huge, huge economic impact on agriculture and recreation, as well as for racing. I hope that this state recognizes and appreciates the horse. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Lyford.

Representative **LYFORD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise and oppose this bill. I hope we will defeat it. You know, there's an old saying about gambling is a sin and when you go to Heaven you may or you may not be let in. We're going to take this great big bag of money and we're going to push it over to another state. And why are we going to do that? You see these young people walking around in here today working. We're going to do it for those young people to give them a cleaner and a better state. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 378

YEA - Austin, Bates, Battle, Bickford, Black, Bryant, Buckland, Campbell R, Chace, Chenette, Corey, Daughtry, Davitt, DeChant, Doore, Dunphy L, Dunphy M, Edgcomb, Evangelos, Foley, Fowle, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Grant, Greenwood, Grohman, Hanington, Hanley, Hawke, Hickman, Higgins, Hobart, Hobbins, Jorgensen, Kinney J, Kinney M, Long, Maker, Marean, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, Noon, Nutting, O'Connor, Parry, Picchiotti, Pierce J, Pouliot, Prescott, Russell, Sanderson, Saucier, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Sukeforth, Tepler, Theriault, Timmons, Tucker, Tuell, Turner, Vachon, Verow, Wallace, Warren, Welsh, White, Wood.

NAY - Alley, Babbidge, Beavers, Beebe-Center, Blume, Brooks, Burstein, Campbell J, Chapman, Chipman, Cooper, Crafts, Devin, Dillingham, Duchesne, Espling, Farnsworth, Fecteau, Frey, Gattine, Gideon, Golden, Goode, Guerin, Hamann, Harlow, Head, Herbig, Herrick, Hilliard, Hubbell, Hymanson, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Martin J, Martin R, McClellan, Morrison, Peterson, Pickett, Pierce T, Powers, Reed, Rotundo, Rykerson, Sawicki, Schneck, Seavey, Stearns, Stuckey, Timberlake, Tipping-Spitz, Wadsworth, Ward, Winsor, Mr. Speaker.

ABSENT - Beck, Dion, Farrin, Hogan, Malaby, Sanborn.

Yes, 83; No, 62; Absent, 6; Excused, 0.

83 having voted in the affirmative and 62 voted in the negative, with 6 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-491)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-491)** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 936) (L.D. 1381) Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-495)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Establish the Maine Fourth Amendment Protection Act"

(S.P. 200) (L.D. 531)

Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-275)** in the House on June 18, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

(S.P. 195) (L.D. 526)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-299)** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(S.P. 272) (L.D. 742)

(H. "A" H-417 to C. "A" S-129)

FAILED of **FINAL PASSAGE** in the House on June 22, 2015.

Came from the Senate with the RESOLUTION and accompanying papers **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative FREDETTE: Thank you, Mr. Speaker, it's my understanding that in agreeing to a green light on a Receding

and Concur, we would simply be agreeing to the bill moving back to the Veterans and Legal Affairs Committee. Is that correct?

The SPEAKER: The Chair would answer in the affirmative. It comes from the other body with a Resolution and accompanying papers Committed to the Committee on Veterans and Legal Affairs in Non-Concurrence.

On motion of Representative GIDEON of Freeport, **TABLED** pending the motion of Representative ESPLING of New Gloucester to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

Non-Concurrent Matter

Bill "An Act To Increase Allowed Investments under the Maine New Markets Capital Investment Program"

(S.P. 112) (L.D. 297)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-294)** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby Bill and accompanying papers **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Integrate the State's General Assistance and Temporary Assistance for Needy Families Programs"

(S.P. 136) (L.D. 368)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Protect Certain Information under the Maine Human Rights Act"

(H.P. 802) (L.D. 1171)

Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)** in the House on June 22, 2015.

Came from the Senate with the Minority (2) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Increase Accountability in Maine's Welfare Programs"

(S.P. 505) (L.D. 1375)

Majority (6) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-237)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Create a 9-month Time Limit on General Assistance Benefits"

(S.P. 361) (L.D. 1035)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-85)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"

(S.P. 362) (L.D. 1036)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-194)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-280)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (S-281)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs"

(S.P. 451) (L.D. 1246)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)**.

TABLED - June 18, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative FOWLE of Vassalboro, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-280)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-280)** in concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-470)** - Minority (6) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Access to Health Security by Expanding Federally Funded Health Care for Maine People"

(H.P. 588) (L.D. 854)

TABLED - June 18, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, 29 states have now taken advantage of the opportunity under the Affordable Care Act to provide healthcare to low-income workers and to those who are chronically poor. To date, Maine has wasted this opportunity and we are not funding healthcare for tens of thousands of low-income Mainers who would benefit from access to doctors and the medicine that they need to be healthy. Fortunately, this important opportunity is still before us. This is something we need to do and I'm going to outline three reasons why we need to do it.

The first and the most important is that we need to take advantage of the health and economic benefits to the Maine people who would benefit from the opportunity. This would provide coverage for people under 138 percent of poverty. That represents about \$16,000 in income for a single person and under \$28,000 for a family of three. People at that income or below would benefit from expansion. That includes 3,000 veterans and about 1,000 of their family members. Most of the people impacted work in industries without broad-based, employer-based coverage, such as agriculture, fishing, food service, personal and home healthcare, childcare, and retail sales. Others include small business owners and entrepreneurs, carpenters and craftspeople; good, hardworking Maine people who need healthcare to stay in the workforce and often provide the type of physical labor that would result in economic disaster and loss of income if they became injured or sick and didn't have health insurance. These people are the core and backbone of our economy and they deserve and need the health benefits and economic security that comes from reliable healthcare coverage.

The second reason is from a state fiscal perspective. From a fiscal perspective, this continues to be an amazing deal. It's hard to imagine a better deal in the history of Maine healthcare. As described in the fiscal note, prepared by the Office of Fiscal and Program Review, Maine will realize that conservatively estimated \$27 million a year in savings. Much of these savings will be

generated because services we're currently paying 100 percent state dollars for will now be covered with federal funds. For newly eligible people, the federal government will pay 100 percent of the cost through calendar year 2016. Services for people with mental illness, people with HIV, people in our corrections system, whole populations of people will become eligible and will have healthcare covered by federal dollars instead of General Fund dollars. Anyone defined as "newly eligible" under the ACA will be funded at 100 percent through the end of 2016 and after that time the federal match will ramp down over several years, but never drop below 90 percent. And the fiscal note is staggering proof of the beneficial benefit for Maine.

In the upcoming biennium, there will be a net General Fund savings of \$3 million and we will draw down federal matching funds of \$625 million. \$3 million in savings to draw down \$625 million in federal matching funds. Over the next four years, through state fiscal year 2019, even after the federal match begins to drop below 100 percent, Maine will draw down \$1.5 billion in federal funds for a General Fund cost of under \$37 million. That's 40 federal dollars for every General Fund dollar invested. To put a little context around that, under the current regular MaineCare match rate, Maine gets less than \$2 back from the feds for every dollar we spend; for the expansion population, it's 40 to 1. Put another way, each year, Maine currently provides roughly \$800 million a year in General Funds to cover 280,000 people under MaineCare. Under expansion, we'll spend only \$9 million averaged over four years to cover another 80,000. No matter how you look at it, it is a tremendous opportunity. If this was federal highway dollars or education funding, we would be jumping all over it. Only the politics of healthcare is holding us back. Think about what \$1.5 billion in healthcare would do for people with diabetes, heart disease, Crohn's disease, and other chronic conditions that threaten their lives and impact their ability to work.

The third reason is the opportunity it provides to Maine's economy in general. Keep in mind that this \$1.5 billion in federal funds is not distributed as cash to MaineCare members; it goes directly into Maine's economy in the form of payments to Maine's healthcare providers: doctors, therapists, hospitals, pharmacies, community health centers. These federal dollars are pure economic stimulus that will allow them to provide well-paying jobs to hardworking Mainers in the healthcare sector. Expansion would create about 3,100 new healthcare jobs in Maine.

On the other hand, failure is a lost opportunity. Especially among Maine's hospitals who are required to provide charity care to people below 100 percent of poverty and to community health centers that provide millions annually in free care. Hospitals provided over \$50 million in free care to uninsured or underinsured people in 2014. It's estimated that failure to expand will result in \$900 million in losses to hospitals over the course of 10 years. We owe it to Maine businesses and to Maine taxpayers to take advantage of this opportunity, but most of all, we owe it to the people who would benefit from the promise of better health.

Mr. Speaker, we heard from these people at the public hearing. There are people like Jeffrey, who's 50 years old from Naples. He worked in heavy construction and did mechanical work. He suffers from Celiac disease, but his biggest concern is that he is almost completely blind now due to cataracts. He can't afford the surgery. If he had coverage, he could've stopped the progression of the cataracts. Now they are denser. They will be more difficult to remove. He needs access to healthcare. We heard from Christopher from Winthrop. Christopher suffers from arthritis of the spine. He has extreme, chronic back pain for the

past 15 years, unable to stand on his feet, sit, or remain in any position for any period of time. He relies on over-the-counter painkillers, which hardly dull the pain and have put his internal organs at risk. He needs Enbrel injections that cost over \$2,000 a month that he can't afford. He can't keep a job because he can't manage his back pain. He isn't eligible for insurance under the exchange. We heard from Heather, who's in her mid-20's, from Lewiston. She's had health problems throughout her life, but more recently experienced a perforated valve. She needed emergency surgery. The hospital helped with the cost of the surgery, but she needs ongoing care, including doctor visits, counseling, prescriptions, and ostomy bags. The prescription drugs cost about \$300 a month and the ostomy bags in particular are a problem for her—they cost \$13 a piece and are only supposed to be used for three days. She's stretching this time out, but it's dangerous to do because of the risk of infection.

Mr. Speaker, we heard from all these people at the public hearing. These people are emblematic of the thousands of other Mainers who rely on us to be their voice and make decisions in their best interest. I don't understand how Maine can continue to deny them the opportunity to be healthy, to remain in the workforce, and to lead the best, most complete and most productive lives possible. The good news, Mr. Speaker, is that there's still time. There's still time. I hope this chamber will give this bill a strong vote and I hope and promise to the good working people of Maine who need healthcare can be fulfilled. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. Let's take a walk through history. In 2002, Maine expanded their Medicaid program to include what were referred to as "non-cat's," or non-categoricals. These individuals were single, childless adults. The state anticipated that 11,000 of these individuals would enroll in the program and we would reap the tremendous benefits from this in the form of a reduced rate of uninsured, reduced charity care, and better health outcomes, which would reduce the mighty cost of healthcare in our state. Unfortunately, all the promises never reached fruition. The program experienced explosive growth and was quickly capped at 25,000. The rate of uninsured remained the same and charity care continued to grow from approximately \$68 million in 2002 to over \$260 million today. And our healthcare costs are still some of the highest in the nation.

At the same time, our neighbors next door in New Hampshire were experiencing their own explosive growth in Medicaid, which were predicted to create long-run projections for cost increases in the program and would put pressure to cut other critical services like education, public safety, and would likely need massive tax hikes to sustain. At that time, New Hampshire's DHHS implemented Medicaid reform—reform that overhauled service delivery and brought growth under control allowing for their programs to continue to deliver important services to children and the disabled across New Hampshire.

In the last session, we fought bitterly over Medicaid expansion and ultimately, Maine did not expand. The reasons why Maine shouldn't expand in the last session still hold true this session. We aren't setting priorities. We just passed a budget that protects and funds programs, projects, and initiatives that do not address the neediest in our state: our seniors, autistic children, individuals with traumatic brain injuries. It doesn't fully fund our nursing homes and creates funding for PNMI's that gives them a one percent more, that looks good until you find out

that the taxes also raised by one percent, so it's a wash to the facility. But the private pay seniors will ultimately take it on the chin. And now, today we have before us an offer of free care to single, non-disabled adults between the ages of 19 and 64. Individuals who have the opportunity to make choices—choices that the aged in our state and infirm do not have.

Last year, while we were in the midst of our Medicaid expansion debate in this building, our neighbors in New Hampshire were also weighing their options. The good Representative from Newport submitted an op-ed to New Hampshire paper, sharing our historical experience of the program growth and the crowd-out of other vital services as a result; the crowding out of funding for colleges, universities, K-12 education, infrastructure, public safety, the court systems, and environmental programs. While we did not expand, unfortunately New Hampshire did not take the good Representative from Newport's advice and they did. And reports of negative experience are quickly, quickly coming to the forefront in New Hampshire.

In January, the DHHS announced that it was \$82 million over budget, mainly due to cost from Obamacare, partly because of the cost of the Medicaid expansion and partly because of the cost of the woodwork effect. How did the agency move to resolve this big hole? They went down the dark path of budget instability and service cuts in other areas of government to support an explosive program. The first step was \$44 million in cut to other areas. There was \$7 million in reduction to nursing homes, and while they received the biggest news, additional cuts came from across the Department. They involved cutbacks to seniors, children, the mentally ill, and the developmentally disabled. In a press release, New Hampshire's Governor called these cuts "responsible" and "difficult," but necessary. In other words, the Governor had chosen to send seniors, children, and disabled to the back of the bus to provide welfare program to non-disabled childless adults. Does that sound familiar?

Public policy should be built on a system of putting our most vulnerable first. The individuals who literally cannot care themselves are the ones leaders should be typically putting before those for whom a service would be nice. However, Medicaid expansion has turned this notion upside down, as its proponents pushed and won their quest to implement expansion in New Hampshire. As a result, children, seniors, and the disabled are the victims and they're paying the price, just as our children, seniors, and disabled are still paying the price for our own early expansion in 2002.

We've received projections in this state that approximately 70,000 Mainers would benefit from Medicaid expansion. When you look across the nation and you look at the explosive growth and the actual enrollment in these states, it's stunning to think that people would just think only 70,000 would sign up, especially when the Department has projected many more than that. In Arkansas, the projected enrollment in 2014 was 172,000. The actual enrollment: 233,000 plus. That's a budget increase of \$137 million they hadn't planned on. In Colorado they projected 100,000. The actual enrollment: over 307,000. Connecticut: 113,000. Actual: 177,000 plus. Illinois: they projected 199,000. Actual enrollment: 540,000 plus individuals. In Maryland, which is closer to our own numbers, they projected 91,000 individuals would enroll. Instead, their actual enrollment was 232,000 plus. That was \$1.8 billion extra that they ended up paying for this program—with free money, by the way—for fiscal year '14 and '15. Nevada: 78,000 was projected. The actual enrollment: 164,000 plus.

We can't sustain these numbers. We can't sustain the numbers that we already have. Again, the arguments haven't changed. This is about priorities. Priorities that we should be making for the most needy in our state. The most needy who aren't serving. I'll repeat again what I said last night: We're not serving the individuals like the LeVasseur family, who've downsized their home twice to care for their child who's autistic and now, because there is not adequate programming in this state, we have lost three Maine citizens who've always lived here. That's such a shame. I urge you to vote "no" on the pending motion. Thank you.

Representative FRETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **DEVIN**: Thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, I have one very serious question. I would like to know if anyone represents a district in which a hospital, a health center, or a clinic does not support the expansion of healthcare through the Affordable Care Act. Thank you.

The SPEAKER: The Representative from Newcastle, Representative Devin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I have a question. Do you remember this promise? If you like your private health insurance, you can keep it. Well, this will not be true if Maine expands Medicaid.

First, let's talk about the alleged 70,000 who don't have access to healthcare. Not true. The demographic they are speaking about are able-bodied. By definition, an able-bodied is someone who does not have dependents, they aren't disabled, and they aren't pregnant. What this means is that they are able to work. Because Maine didn't expand Medicaid, these able-bodied have access to private, subsidized, health insurance at 100 percent of federal poverty level. States that expanded Medicaid don't have access to private health insurance until 138 percent of federal poverty level. 100 percent of federal poverty level, just in case anybody was wondering, is an adjusted gross income of just \$11,670 a year. This translates to working 30 hours a week at minimum wage. I don't think that is too difficult for an able-bodied person to do.

The Maine Hospital Association estimates that 43,000 of the 70,000 fall between 100 and 138 percent of the federal poverty level. People at 100 percent of federal poverty level, depending on their age and where they live in Maine, have access to private health insurance for a monthly premium ranging from \$0 to \$20 per month, with a deductible of \$200 and a maximum out-of-pocket of \$500 per year. This demographic compare their private health insurance with Maine free care and have their deductible and maximum out-of-pocket picked up as a second payer by the hospitals.

This is a win-win-win: a win for consumers in that private health insurance is always better than MaineCare. If somebody were to get a horrible disease and want to have access to healthcare and specialists out of state, with private health

insurance, they can do this. With private health insurance, they have their prescriptions covered, they have their preventive care all covered under one roof, so it's a win for the consumer. It's also a win for the hospitals because private health insurance reimburses at a higher rate than MaineCare. And it's a win for the Maine taxpayer because they are not picking up the Medicaid tab.

Lest I not forget my math. 70,000 minus 43,000 equals 27,000. So, what is there to offer them? Maine has 151 FQHC's that offer complete, comprehensive healthcare and preventive care and they also have free care in the hospital. But I will remind you that this expansion that we're talking about is proposed to Maine's able-bodied. So I have to ask: how difficult, really, is it for Maine's able-bodied to earn \$11,670 a year?

As a licensed health insurance agent who is certified to help people find affordable health insurance through the exchange, those I have helped loved their private health insurance. If Maine expands Medicaid, the consumer will have to go to MaineCare. So much for, "If you like your private health insurance, you can keep it." They will have to give it up. I urge you to vote against this pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, last October, like many of you, I was in the throes of the campaign. I headed out on a cloudy Saturday afternoon to knock on doors. I didn't have someone to drive me, so that day I called my mom to see if she'd be willing to cart me around while I went to talk to voters. My mother and I had just celebrated our birthdays in late September. She had just turned 60. After we finished, I said, "Let me take you to get some lunch," and she told me she didn't feel like it because her stomach was hurting her. And I said, "Your stomach is still hurting you? You're going to get that checked out, right?" She said yes and that she had a doctor's appointment in a few weeks, the Friday before Halloween. I had thought she had probably gotten a stomach bug that wouldn't let up.

That Friday I called home after her appointment to check on my mom. My dad answered the phone and I asked how the appointment went. My dad, who did not offer to put my mom on the phone, said that things went okay but she had a few more tests to do the following week. I thought something didn't sound right. That was Friday evening. Sunday morning after I finished watching *Meet the Press*, my dad called me and when I saw his name pop up on my phone, I had a sinking feeling and knew the conversation would be one that I would not forget.

What my dad shared with me was that my mother had gotten her colonoscopy on Friday. They found three medium sized tumors in her intestine. "It's not good," were the words that my dad uttered to me. Ever the glass-half-full optimist, I knew that when those words came from his mouth, it was, indeed, not good. And so we proceeded as thousands of other cancer patients and their families do. We sought out a cancer doctor, took several trips to Mass General in Boston. My mom underwent countless MRI's and PET scans to identify if and where the cancer had spread. Turns out, one of the PET scans revealed that the cancer had spread to her lung where there was a spot the size of a pencil eraser. This complicated and prolonged the treatment plan.

Soon thereafter, my mom began her chemo treatment in early December. Eight rounds of chemo spaced out every two weeks. After that, a PET scan to see if the cancer had shrunk, then she would undergo surgery on her lung to remove the cancer from her lung. A month to recover. Then 12 rounds of chemo spaced

out every two weeks. Then another PET scan to see if the tumor had shrunk. A month to recover then five straight weeks of chemo and radiation simultaneously to shrink the tumor. Another PET scan then another month to recover. Another PET scan. Then surgery to remove the tumor. And that was if things went as planned and all of this would take roughly a year.

We never expect to get a cancer diagnosis. We never expect a close relative, a mother, father, son, daughter, brother, sister to get a cancer diagnosis. We think we're invincible, but it happens to us. She didn't do anything wrong. She worked her whole life. She sacrificed for her kids; did everything right in life. My mom's story, my family's story is not unique. It's the story of so many of us in this state. A story that too many of us have had to face and I know that this story is one that many, if not most, in this chamber have had to face in some capacity.

Thankfully, my parents have really good health insurance. Thankfully, my mom was perfectly healthy. Thankfully, my dad is an incredible caretaker, patient, and kind. Thankfully, the circumstances were the best that we could've hoped. But my mom was still diagnosed with Stage IV colorectal cancer. In the midst of her chemo treatments, mid-February, I went down to have dinner with my parents. Like she does, my mother keeps meticulous records of every expense, including the expenses related to cancer treatment. We sat down to review the expenses after dinner. \$27,000 for each chemo treatment. \$40,000 for the lung surgery. \$1,000 to get rehydrated after each chemo treatment because chemo dehydrates the body. \$8,000 for each PET scan. \$35,000 for the surgery to remove the tumor. \$3,000 for each MRI. \$1,000 for each radiation treatment. The countless doctor's visits. Prescriptions to counteract the neuropathy, hair loss, fatigue, vomiting. \$27,000 here. \$5,000 there. Pretty soon, we're talking about real money. Real money on the order of a million dollars.

Who, in this room, has a million dollars to throw around on cancer treatment? How in the world is anyone who does not have health insurance supposed to pay for this? They don't, Mr. Speaker. They avoid preventative care. They get it checked out too late. Then they face a choice between bankrupting themselves and their families to survive, or dying. Imagine the agonizing fear when one gets a diagnosis. Then imagine getting that diagnosis without having any way to pay for that treatment. No one, not one single person should ever, ever have to face that choice.

I am thankful that I have health insurance and I'm thankful that my mother has good health insurance. But for so many in this state, they don't and they suffer for it. Tomorrow, Wednesday, my mom goes in for her 12th round of chemo before she begins chemo and radiation. Her progress is slow, but good. She is able to get the best care because she has health insurance. But so many don't have health insurance. Everyone, everyone is vulnerable when they don't have health insurance. Some in this chamber say we can't afford it; that it's not the right thing to do to expand healthcare. But, Mr. Speaker, for the lives of so many in this state, how can we afford not to?

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **LOCKMAN**: Thank you, Mr. Speaker, to anyone who cares to answer: if we pass this Obamacare Medicaid welfare expansion today, how many of the folks on the notorious Baldacci Medicaid waitlists—the people with traumatic brain injuries and people with autism—and how many of Maine's

elderly poor, how many of those folks will get any benefit from this expansion?

The **SPEAKER**: The Representative from Amherst, Representative Lockman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: None.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Melaragno.

Representative **MELARAGNO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, here is a thought for us and the voters while we have this debate today: every one of us in this chamber has access to quality affordable healthcare, as we should, and as everyone should. In fact, the taxes of the very people who we may be denying healthcare to today are paying our premiums for our healthcare. Let's allow them to have affordable healthcare too. Please vote for this motion. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker, Women and Men of the House, I rise today in strong support of the pending motion for LD 854 to accept the federal funds for healthcare for our great State of Maine. I'm very touched by a lot that's been said today. I was initially going to speak about my Grammy Mary, who was from Somerville, MA. She's a woman who survived the Great Depression.

She, as all of us, will face health crises in our life and we hope that they are not crises, that they can be managed better. When she was having her 80th birthday, she had some pain in her upper right quadrant, which corresponded with her liver. And she did have metastatic colon cancer. And it is a preventable illness. She also had other illnesses that were treated along the way. She could've been blind from temporal arteritis, but she lived in Boston and they were able to help prevent her blindness by going to Mass. Eye and Ear. So she did have some coverage at some points of her life. She had worked hard for Polaroid and I'm not positive what her benefits were, but I'm thinking also of her sons. She had three sons, and one of whom was my father.

I remember when he was told and the three sons were told they should have colonoscopies because their mom had colon cancer, and at the time it was not usual for a colonoscopy. Back then it was a flexible sigmoidoscopy and an enema and it was highly advised that he have a colonoscopy and the price was an issue for him even though he also had insurance, but the price was an issue. And I remember one of my mentors had said, "Not doing a whole colonoscopy is like doing a one-sided mammogram." And now our medical evidence has evolved and we do do full colonoscopies mostly as preventative screening.

And so I think of that, my grandmother being an elder and that's how my uncle's Crohn's disease was discovered or was discovered and he's been treated for that. But I think of people who I've met along the way whose lives are at stake with this and I remember one young gentleman who had saved up—and I won't take out my prop or my inhaler—but, he had saved up like 18 inhalers throughout his life because he knew that any day that could be taken away, that he couldn't get a fresh one. And they have, like, a typical inhaler has 200 puffs and his inhalers were empty. But there was just that hope for that breath of air. And I won't remember that young man and I forget where he's from, but I think of him every time I carry my inhaler with me. And maybe not every time, but I think of that and it breaks my heart.

And if we want to take care of our people in this great State of Maine, I think it's important that we take care of everyone and not

pit one group against the other, but really lift everybody up. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, there was a question that I'd like to address from the good Representative from Amherst, who just left, who talked about how many people on the waitlist might be addressed and what I have to say is that there are many people who are mildly disabled who you would say are able-bodied who have, let's say, traumatic brain injuries, not enough to be on the waitlist but are certainly walking around and can't make enough money to support themselves and can't make enough money to pay their co-pays and don't live near a federally qualified health center, and have no access to healthcare. And these are the people who need to access healthcare because they have chronic illnesses that if left unchecked will lead to expensive diseases, expensive for our community and expensive for themselves.

So I also wanted to talk about the Maine Healthcare Access Foundation that commissioned the Manatt Health Solutions Report. So, it was time in Maine to look at how Maine was looking compared to the rest of the United States. And so, in terms of its opportunities with Medicaid expansion, and so the Maine Health Access Foundation commissioned a report through Manatt Health Solutions. Now, you can Google Manatt Health Solutions and you'll see that it's a nonpartisan country-wide interdisciplinary health policy strategy advisory division of a law firm. And they were able to come and talk to us in Health and Human Services.

So I wanted to read you their conclusion. It's a long report. You're welcome to look at it. I have it. So, "Based on analysis of the potential cost-savings and revenue impact of MaineCare expansion, there are substantial budget gains available to the State of Maine under a 2016 MaineCare expansion. Experience from other states suggests that savings and revenues," notice the word revenues, "continue to increase in the out years." The out years are the years where we would be paying 10 percent. "Further, savings and economic gains from expansion can be used to help ensure sustainability of expansion." So listen to this idea: Arkansas and Michigan, for example, have created special accounts that actually bank the state savings from expansion to help cover the cost in further years. So they have had—Arkansas and Michigan, for example—have special accounts that bank state savings from the expansion. "In addition to the net state budget impact detailed in this brief, Maine could also expect to see broader economic impacts due to expansion." Studies from states that have expanded Medicaid have found that expansion creates jobs, brings in new federal dollars that spur the economy, increases state and local tax revenue. Expansion reduces hospital uncompensated care, cost, and I'll also add that it also makes the federally qualified health centers, which are really struggling and which asked us, remember, for a million dollars a year to support them because they're not doing well. It would make them whole. "As uncompensated care cost decreased, states might also expect to see reductions in cost shifting to the private sector, reducing premiums or the rate of increase in health insurance premiums overall, parenthetically." Because, remember, we pay with our dollars. In our private health insurance, we pay for people who can't support their own health access to the benefit of all state residents.

So, I wanted to leave with a voice, bring a voice in the room, from a person who lives in Winslow. She's a grandmother, a mother, and what some like to call a "non-categorical" or able-

bodied worker, meaning, "I'm an adult with no dependent children living in my home." "I worked my whole life since I was 14 years old. I'm not a person who expects something for nothing. For 30 years I've earned a modest living as a self-employed hair dresser. My needs are simple, so I can live within my own means. I'm 59 years old. In January '14, I lost my healthcare coverage through Medicaid because of budget cuts." You know, she goes on to talk about the cost of her oxygen is \$100 a month. She has emphysema. "I'm tired. I have a hard time breathing. I have inhalers. I can't afford them. I have osteoporosis. I can't get my medications." So I wanted to bring her voice into the room as others have and ask you to support Medicaid expansion in our state. Thank you.

Representative McCABE of Skowhegan assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm reluctant to speak because we're all tired of listening to each other at this point. But, I remain an optimist. I continue to believe that people are actually listening and that maybe something I say will open a mind to a new thought.

It's been said earlier in this discussion that people with private health insurance love that insurance; that it's always better than public insurance. Maybe. I'm not going to take on that debate. It's probably true that the benefits are better. However, the crucial difference is: people that we're talking about today cannot afford private insurance. That's why we have the Affordable Care Act. That's why we need an expansion of MaineCare to cover people so that they have a decent health insurance coverage. That is the crucial issue.

Thanks to the expansion of Medicaid, tens of thousands, no millions of Americans who had no insurance prior to the enactment of that law, now have the peace of mind that comes from knowing that a medical emergency will be taken care of. Maine has been foolish, I believe, in rejecting the federal dollars that were offered to us to provide this coverage. Not only foolish because these people in our state remain uninsured, but because it is an economic driver in so many ways: money to hospitals, money for jobs, money for support services for medical providers; it goes on and on.

I think the hospitals of our state now recognize that they made a crucial mistake in putting all their eggs in one basket and in seeking the payment for past debts at the expense of also vigorously pursuing expansion of MaineCare. They now realize that the money that they were paid—and which our side of the aisle also supported, although in a different fashion, but we certainly supported their right to receive that money—they now realize that they have lost far more in revenue from the lack of MaineCare expansion than they lost, or had failed to receive, through the lack of payment of the outstanding debt. And that debt will continue to grow every single year. Hospitals are among the biggest employers in many communities. They are a crucial part of our economy and the debt that they are amassing is simply unsustainable.

I'm grateful to Representative McLean for describing the plight that his mother faced. It puts a human face on why people need good health insurance. And I have no doubt that if she had

not had good health insurance, she would no longer be alive today. It's that simple. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **DEVIN**: Thank you very much. I hear this vague term used all the time of "the most needy." I would like someone to define, very specifically, who the most needy are. Thank you.

The SPEAKER PRO TEM: The Representative from Newcastle, Representative Devin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, I would summarize "the most needy" as those who cannot care for themselves, those who cannot work for themselves, those who cannot even feed themselves, those who cannot clothe themselves, those who are confined to bed in a facility with traumatic brain injuries.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative **GRANT**: Thank you. I didn't serve in the 125th Legislature, but I did serve in the 126th and when we had this debate then, just as we're having the debate now, what I heard was that we couldn't expand healthcare for Maine citizens until we got our priorities right. And what I would like to know, legitimately like to know, is why during the 125th, when one party controlled branches of government...

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members that Representatives may not speculate on the motives of others during debate and other Legislatures.

The Chair reminded all Members that it was inappropriate to speculate on the motives of other members of the House.

The SPEAKER PRO TEM: The Representative may proceed.

Representative **GRANT**: I will abide by that rule. I appreciate the efforts of folks who want to address the needs of the most vulnerable in the state. I think we all agree on that. I think we disagree sometimes on the way to go about it. And my question wasn't meant to be disrespectful, but to suggest that there are many ways to get to the goal that we all share. And when I look through the fiscal note on this bill before us and I see the kind of investment, the kind of money that could come to our state as a result of this expansion, I believe we can do the things that I believe the folks on the other side of the aisle really want to do. I believe that we can meet our priorities and take care of those folks that we all want to take care of. I would just hope that we could be open-minded about how we go about it. But thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I certainly empathize with this discussion today and, you know, this is the kind of discussion we've had at my house. I'm married, I have two children. They're

adults now. In fact my son's birthday, which I missed, was yesterday. And we've had to create a budget over the years and I can think back, Mr. Speaker, when I had two children in college for two years. And we had to make choices. And we had to find, even with savings, we had to find about \$3,000 every month. And my wife and I never made a ton of money. And we somehow did it, but we didn't go to Disneyland and we didn't do a lot of other things that maybe we would've wanted to do.

So I empathize with this discussion and, Mr. Speaker, with all due respect I think I point out at my house, we would've had this discussion in January. And we're having it tonight which is causing a sense of urgency and fear and shutting down the government and all that crud when we should've done this in January and not, you know, done other stuff that we did then.

I'll also point out, Mr. Speaker, that, as I said last night, I think this discussion, again, ignores, as we've heard, the people, which I agree with the definition from the Representative from Chelsea, who are most needy in the state. But, we'll say that all day long. And I mentioned choices last night, Mr. Speaker, and on my desk I have the budget and I have the Christmas tree list and those are choices. And I think, I know in my world, people are ticked about this budget and I'm going to go home and have to answer for things in that budget, things I didn't get to read, actually.

You know, Mr. Speaker, also I ponder what government has wrought. You know, we talk about, "We have to help people." My parents were lower-middle class at best. We only had one car. We did own a house. They had insurance. They could afford insurance. What has changed since the 1960's and '70's that people can't afford insurance? And that's not so much a question as we can all ponder that. What have we wrought to make this such an unattainable thing for just normal people?

And I guess my last point is just given what we've done this year and a budget with \$300 million extra in it, haven't we...

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from South Portland, Representative Hamann, and inquires why the Member rises.

Representative **HAMANN**: Thank you, Mr. Speaker, we're not debating the budget.

On **POINT OF ORDER**, Representative HAMANN of South Portland asked the Chair if the remarks of Representative McCLELLAN of Raymond were germane to the pending question.

The SPEAKER PRO TEM: The Chair will remind all Members at this time we are debating the Majority Ought to Pass as Amended Report on LD 854.

The Chair reminded all Members to confine their debate to the question before the House.

The SPEAKER PRO TEM: The Representative may proceed.

Representative **McCLELLAN**: Thank you, Mr. Speaker, I don't mean to be obstinate, but it is a budget item. So, I guess I've said what I needed to say, Mr. Speaker, and I thank you for your good work. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, we are debating the expansion of Medicaid, so I just wanted to kind of get this back on track. As a licensed health insurance agent, I'm going to tell you that the Affordable Care Act is very, very, very complicated. So I appreciate all of you as you grapple with this.

But when I was talking before of the people that love their health insurance, the notion was that I was not talking about people that allegedly couldn't afford health insurance. So I would

like to clarify and I apologize for rising for a second time. But, because Maine did not expand Medicaid, a person is eligible for private health insurance at 100 percent of federal poverty level. States that expanded Medicaid, people don't have access to private health insurance to 138 percent of federal poverty level. And as I mentioned earlier, 43,000 of the 70,000 people fall in that category.

So I'd like to give you a live face on what this looked like before ACA and now after ACA with the clients that I served who could not afford health insurance prior to the ACA opening up. They used to come into my office looking for access for healthcare and I would bring them to the hospital and enroll them in free care. That was their only option. It was not until a year ago last February that I learned of the FQHC's and so that's a fantastic resource to help people that can't have health insurance.

In 2014 when the ACA opened up, those same people that I had helped have free care then came to me to see if now they could qualify for health insurance. So I'm going to give you a live example of a case. I got a phone call from a woman who made \$9,200 a year and she said, "Can I qualify for a health insurance?" And I said, "Well, you can qualify for free care, but, you know, if you could get your income up to \$11,750 you will qualify for Obamacare." She said, "I will give you a call tomorrow and see if I can find another job. I will give you a call tomorrow."

Well, the next day she left a message that she had found another job and she was going to make \$11,800, a little bit over. Was that going to be a problem? I met her at a hospital...

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Pittsfield, Representative Short, and inquires why the Member rises.

Representative **SHORT**: I'd ask the Speaker remind the Representative to address the Chair, please, with her remarks.

On **POINT OF ORDER**, Representative SHORT of Pittsfield asked the Chair to remind Representative VACHON of Scarborough to address the Speaker Pro Tem and not turn to the rest of the House.

The SPEAKER PRO TEM: The Chair will remind all Members to direct comments to the Chair.

The Chair reminded all Members to address their comments toward the Speaker Pro Tem.

The SPEAKER PRO TEM: The Representative may proceed.

Representative **VACHON**: My pleasure. I think that this will help. So, Mr. Speaker, I met her at the hospital, got her enrolled in her free care and her Obamacare, and after I completed the application, she cried. But when she met me, she was wearing a sweatshirt with her new employer of the job that she had gotten. She had a letter saying that she was going to make \$50 a week. And now she got her health insurance and she cried because she said, "Now, I will be able to afford my test strips." So I said to her, "Your policy is going to include your test strips and you're a diabetic. Now you're going to have chronic protection for your diabetes." This was something that she had never, ever had before.

I've stayed in touch with her. She has stayed in touch with me. She is ecstatic that she had a job. She's been offered promotions and she loves her health insurance. So she is one representative of these 43,000 people that I'm telling you that love their health insurance. They do not want to have a MaineCare option. So I hope that that helps. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Mr. Speaker, Women and Men of the House, couple quick points. I'm informed by the knowledge that might not change your mind, but a couple of things to point out. Our largest distributor for many years is in New Hampshire. As far as I'm aware, they have no rules and reg's there whatsoever. I think their state motto is "Live, Freeze, and Die" or something like that. But, I'm told that they're quite happy with the policy there. I have information from the New Hampshire business and industry association that is in support of their recent expansion there.

But my larger point: hospital in Biddeford, Southern Maine Healthcare, wonderful facility, is also strongly in support of this and it was important to me to say that. Their costs of charity care are really increasing up to \$6 million in the latest fiscal year. So, I think that's a difficult position for them to be in.

It occurs to me, if I'm looking for points of agreement, that we agree that people need health insurance, or indeed love having health insurance. The debate is just about how we get it, about how people get health insurance. So I hope we can continue that discussion and continue a productive discussion. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I would like to respond about the information given about the Manatt Report that was given to us. That was brought to us before our committee and it was shared, the information that they had on there. However, when asked, "How did you get your numbers? Where did you find your numbers? How did you come to your conclusions?" The numbers were all part of stuff that she said were available publicly. Never once did they ask the Department for current numbers to assess again going forward.

And also, some of the assessments seemed rather a stretch, if I will say. Saying that we were going to save millions of dollars, I believe in the 20 percents on our Medicaid population in the corrections system, yet when you look at other states across the nation, it was very, very low; nowhere near those numbers. So, when we're talking about reports, you know, I think we have to make sure that we're looking at actual numbers that have been given from the Department, determined by our exact population, looking forward into the future.

Another piece about that presentation that I found was a little disturbing is, we were talking about the woodwork effect and the potential explosion of the expansion in the populations who may go onto the Medicaid piece if we did expand. And she shared with us that there wouldn't be explosion because you may get a slow trickle from individuals from the private insurance market into the Medicaid program. We immediately countered that as absolutely false. That is absolutely false. Medicaid expansion is an all-or-nothing program. You cannot go to 100 percent of federal poverty level and expanding Medicaid and have these people keep their insurance. That makes them disqualified for private insurance under the market. They must go into MaineCare. So, as the good Representative from Scarborough was saying, any of these individuals who have purchased private care, which is incredibly affordable, has a much higher rate of reimbursement for our medical facilities and our physicians and our hospitals, etc.—that would all go away. Every one of these individuals who have signed up under the market would have to go on MaineCare which is the last payer, the payer of last resort,

and certainly not portable very well to specialists out of state like a private insurance plan would be.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this pending motion. Accepting federal funds to expand healthcare coverage for low-income Mainers is an all-around smart policy. It's good for our economy and our workforce. It will help to control healthcare costs for everyone and it will allow Maine people to lead healthier lives. Even better, we know from the experience of other states that accepting these federal funds will deliver these benefits while saving our state money.

Based on the experiences of eight states that chose to expand Medicaid coverage, the Maine Health Access Foundation found that Maine could see \$26.7 million in budget savings next year. As a state, our refusal to accept these funds means that we have missed out on as many as 4,400 jobs and more than half a billion dollars in annual economic activity. Refusing to expand Medicaid coverage makes our state an outlier. In fact, Mr. Speaker, we are the only northeastern state that has failed to expand coverage. Our neighboring states' economies and workforces are benefitting from these funds as our economy continues to lag behind.

For the tens of thousands of people who will gain healthcare coverage, expansion will be life-changing. For all other Mainers, it will mean a healthier workforce and economy—something we can all recognize as crucial to our shared future as a state. As a committee, we heard from many Mainers who support healthcare expansion for these reasons. From medical professionals and healthcare organizations to the uninsured and even law enforcement officers, they see the wide-ranging benefits of accepting federal funds.

In response to some of the remarks, Mr. Speaker, that were just heard on the floor, the federal qualified health centers, they can't take the numbers anymore. They live on the very smallest of margins. The hospitals can't continue with the increase of charity care. 4,500 people can't get coverage on the exchange because they're in the coverage gap of below 100 percent of federal poverty level. So, federal qualified healthcare centers want expansion, hospitals want expansion, doctors want expansion, nurses want expansion, and the poor people who can't have good medical coverage or preventive care which will save us money in the long run want expansion.

What to do about the waitlists that have been brought up? I don't know the complete answer, but I do know that we can keep people off the waitlists by preventative care and we also can fund the waitlist with the money that we save by this expansion. So I thank you for listening and thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Mr. Speaker, I'll be very brief. I wasn't going to rise in rebuttal, but there's just a couple points I wanted to clean up to make sure there are no misunderstandings. First is the fiscal note does take into account the woodwork effect, does projection, but there's some additional people because of the woodwork effect. So it is accounted for in the cost.

Second, my colleague, my friend, the Representative from Chelsea, talked about experience in other states and especially corrections. Again, I just want the chamber to know, Mr. Speaker, that Ohio saved approximately \$10.3 million in correction costs in 2014. Colorado saved \$5 million in savings in correctional costs in 2014. With respects to other states and

other savings, we talk a lot about Arkansas. Recently, Arkansas has put aside \$100 million, or funded \$100 million in tax cuts as a result of the money that they saved from expansion.

Expansion has been a viable option for a couple dozen states now since 2014. The states that were the early expanders have shown tremendous economic benefit and also provided healthcare to millions of Americans. And again, I hope the chamber will take advantage of that here today. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 379

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Beck, Dion, Farrin, Malaby, Sanborn, Sawicki.

Yes, 81; No, 64; Absent, 6; Excused, 0.

81 having voted in the affirmative and 64 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-470) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-470)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-230)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage Good Nutrition and Healthy Choices in the Supplemental Nutrition Assistance Program"

(S.P. 420) (L.D. 1193)

- In Senate, Minority **OUGHT NOT TO PASS Report READ and ACCEPTED.**

TABLED - June 19, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

On motion of Representative GIDEON of Freeport, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-302)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create Jobs in Aroostook and Washington Counties"

(H.P. 520) (L.D. 767)

TABLED - June 5, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-302) was READ** by the Clerk.

Representative MARTIN of Eagle Lake **PRESENTED House Amendment "B" (H-497) to Committee Amendment "A" (H-302)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN:** Thank you, Mr. Speaker and Members of the House, this bill's been hanging around for a while so I need to probably give you a little history. This is actually a bill that was sponsored by the good Representative from Caribou, Rep. McElwee, trying to deal with a particular issue in Caribou where an individual came forth to her with the possibility of creating 100 jobs in Caribou.

The bill was presented, went to the committee, and the committee worked on it and came out with a unanimous Committee Report with the Committee Amendment "A," which does not solve the problem for the individual in question. And so, Representative McElwee and I basically have worked on the amendment and I guess, more times than not, I think it's the third time that it's been redrafted based on a number of suggestions that have been made. And there were some feelings that we should not do too many changes to Pine Tree Development Zone Program.

And so, what this amendment does, basically, is to restrict the ability of someone who make the proposal for a call center to be located in either Aroostook or Washington County with the possibility of applying for that designation. The background and the reason for why that came forward was that the individual in Caribou was able to make contact with an idea or a proposal for the national organization that could create 100 jobs at a call center. And as a result of the work that was done by him and others and based on conversation that he had with us, he actually went down to Arizona and was able to sign a contract for a proposal. And basically, on the concept that has developed in this amendment. And what the amendment provides for is a deviation from salary for a two-year period until the third year so then it would at the end of the third year would equal the so-called proposal as to what is intended under the Pine Tree Zone concept.

So in reality, what would take place in the first year that the employees in Caribou, if this is where the contract was to be, would have a salary of about \$25,000 and would have all the

benefits that go with it. There was no attempt to remove one of the benefits that is provided by the concept of Pine Tree and that is the medical benefits that is carried as a requirement to have it. And so what you have before you is a proposal that specifically deals only with Aroostook and Washington, deals specifically with the question of not other programs that might come along, but specifically with the question of a call center. And whether or not that occurs, those 100 jobs will depend entirely on whether or not this amendment moves forward. And so I'd ask you to support the amendment and I know that those of us in Aroostook, I think, would, even though it is a little bit below for the first year, what would be allowed under Pine Tree assuming that he were to get this designation, it is however 100 jobs we would have, otherwise we would not get. And I would ask you to support it.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, first of all, I want to congratulate the good Representative from Caribou for her hard work on this bill. She's been working on it all session. I appreciate the good words from the good Representative from Eagle Lake in regards to the amendment. I intend to support both of those items. I would just ask one question through the Chair if I may?

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: Thank you, Mr. Speaker, so my question is, is that while I understand the purpose of the amendment is to focus on the potential call center, my understanding is the other aspects of the bill in regards to the overall reach to Washington, Aroostook County would stay in place as well.

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, the answer to that question is yes.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative McElwee.

Representative **McELWEE**: Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of this bill, LD 767, "An Act To Create Jobs in Aroostook County and Washington County." I would be remiss if I did not stand and share my feelings on this bill.

Most people in Maine know there are two counties in our state which can use help in the area of economic development: Aroostook and Washington Counties. I have grown up in The County, an endearing term we use for Aroostook. This is a community of proud, hardworking, dedicated individuals who have a history of taking care of their own, but presently, our area is in need of legislative support.

This bill, 767, would allow a Caribou business access to the Pine Tree Program, which could help meet some of their financial obligations just a little bit easier to cover. This bill before us could bring approximately 100 new jobs to the Caribou area. This could be an opportunity that we certainly would welcome. But, I have to say, we are in need of your support, your vote, for this to happen. Please cover the voting boards up there with lots and

lots of green. I thank you for listening and for my request. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I understand the issues here and that's why the unanimous report out of committee made a significant concession in allowing call centers to be designated as eligible for Pine Tree Zone designation.

Pine Tree Zone status gives companies who hire just one employee at the average county wage and provides access to retirement accounts and healthcare, they pay no income tax for five years and the next five years they get fifty percent discount on the income tax. They pay no sales or use tax for ten years on real and personal property purchase and they have access to reduced electricity rates. And they also get additional expanded employment tax increment financing benefits.

So, we felt that there should be, in allowing the designation of call centers as Pine Tree Zone eligible, we were making a significant, significant attempt to address the issues of high unemployment in Washington and Aroostook County. We understand that, but we really thought that the wages were incredibly important to be kept at the level that they needed to be at. So, thank you and I request a roll call, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-497)** to **Committee Amendment "A" (H-302)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-497) to Committee Amendment "A" (H-302). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 380

YEA - Alley, Austin, Battle, Beavers, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Davitt, DeChant, Devin, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Foley, Fowle, Fredette, Frey, Gerrish, Gillway, Ginzler, Golden, Grant, Greenwood, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Hickman, Hilliard, Hobart, Hobbins, Hogan, Kinney J, Kinney M, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, McClellan, McElwee, McLean, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - Babbidge, Bates, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Doore, Farnsworth, Fecteau, Gattine, Gideon, Gilbert, Goode, Grohman, Hamann, Herbig, Higgins, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Noon, Pierce T, Powers, Schneck, Stuckey, Tepler, Tipping-Spitz, Welsh.

ABSENT - Beck, Dion, Farrin, Herrick, Kruger, Malaby, Sanborn, Sawicki.

Yes, 101; No, 42; Absent, 8; Excused, 0.

101 having voted in the affirmative and 42 voted in the negative, with 8 being absent, and accordingly **House Amendment "B" (H-497)** to **Committee Amendment "A" (H-302)** was **ADOPTED**.

Committee Amendment "A" (H-302) as Amended by House Amendment "B" (H-497) thereto was ADOPTED.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-302) as Amended by House Amendment "B" (H-497)** thereto and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-320)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure the Integrity of the Temporary Assistance for Needy Families Program"

(H.P. 782) (L.D. 1144)

TABLED - June 22, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-478)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** on Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company and To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company (EMERGENCY)

(H.P. 199) (L.D. 281)

TABLED - June 19, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, Men and Women of the House, I am standing opposing this particular legislation. What it would do would it would increase the school subsidies and the revenue sharing for the four towns of Jay, Madison, East Millinocket, and Skowhegan. All of the rest of the towns in the state would pay for this.

What it does is it directs the State Tax Assessor to modify the state valuations for these four towns going back all the way to 2012. Not completely arbitrary, but somewhat. These towns want their relief for their decline in town valuations, or state valuations, from the sudden, severe process. They want their relief immediately and a lot quicker than what current state statute allows for.

This has an impact on neighboring towns and in Somerset County and in RSU 54. We had some testimony before the committee—particularly from Norridgewock and Fairfield—you know, that testified neither for nor against the bill. And as far as state valuations go, with all due respect to everyone involved, some of these situations are self-inflicted. There was an admission by the local assessor that the valuation reduction should've been recognized sooner and also to the fact that in

some of these towns, they never even filed an application with the State Tax Assessor for Sudden and Severe relief. So, I say let the process run its course and I'm going to oppose the motion.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, I rise in support of the pending motion and just to, sort of, correct the record. Some of the comments that were just made were based on the original bill, probably not on the Committee Amendment that's before us, as well as the fact that based on recent changes that we've made in this Legislature or past Legislatures, probably the last two Legislatures around Sudden and Severe, the towns that are included in this bill aren't actually eligible for Sudden and Severe. So that's why this is before us.

Today, at this point in time, we're taking a vote to either pass this or not. This bill has further hurdles in the coming day, as well as probably a stop at Appropriations. So I would encourage everyone to support the pending motion and also encourage folks to read the Committee Amendment as far as it relates to the original bill. I know that there was some confusion within folks that are linked in to the municipalities that are associated with these school districts and I just wanted to clarify that when you have a large employer in a district, as well as a large taxpayer, and that valuation drops, that automatically has a negative impact on the surrounding communities and there seemed to be a little bit of confusion in regard to that. Folks in the surrounding communities will actually pick up more of the county tax, as well as the school tax, so I just wanted to state that for the record. So thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I concur with the Representative from Skowhegan that I also support this. It's critical that we set a precedent here so, because I expect to see this occurring in other communities as well. So, I'll be supporting the amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative **WALLACE**: Thank you, Mr. Speaker, I sympathize with these towns. I really do. But, for the past, let's say, 20 years, 10, 20 years, industry has been leaving the state. And I know a lot of towns in Maine have lost their industry and they've gone through the same thing over the last 20 years.

All these people had to do in these towns was look ahead. Industry is leaving. It's only a matter of time before the pulp and paper left because other countries are eating our breakfast. Seriously. So, I disagree with this bill because it's going to put more burden on the rest of the state, so I cannot support this in any way. Thank you.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, about two hours ago, we were debating some legislation here that talked about creating some jobs in the southern part of this state. And while we were talking about that, the discussion was brought up about the \$25 million licensing that would cost to do that project. And out of that \$25 million, \$5 million was going to go to a board and \$20 million was going to go to help communities that were going to be affected by

what was going to go on in the southern part of this state. So, there you go. The goose and the gander. What's good for one part of Maine is good for the other.

And the other thing that I have to say about this is that, you know, we have become a state, not a north and south or rural or urban, but we have become the state of the have and the have-not's. And the have-not's are starting to really take it on the chins here. And I'll be honest with you, when you're talking towns that have supported a lot of the states years ago, the paper companies in this state employed thousands of people years ago and these towns did not take the subsidies the other towns received because they had high valuation. Well, now the trend has reversed and these towns are up against it.

And I'll tell you what, I've been through two mill closures, I know we spoke Bucksport, what's going on in Bucksport, and now we have three or four other towns in this same predicament and we are the state, and I had bills in there this year to try to deal with that, but nobody really wanted to pay much attention to it because it wasn't really all that important. But it is important. It's important to the thousands of people that live in these towns that are trying to live there and survive. It's not people that are making all the money in the mill, it's the people that are retired. The people that've lived there and the people that have the jobs that are paying low-paying jobs in those areas. These are the people that are getting affected by what's going to happen in these four towns. And I would believe there's a couple others out there that are going through the same predicament right now.

To be honest with you, I think we, as a state, better start taking a good, hard look at what's going on in areas of the state because we have the have's and the have-not's. And that have's and have-not, that divide is getting bigger all the time. And I'll be honest with you: I support a lot of legislation that goes to the southern part of this state because they are the people that are doing well. But when it comes time for the other part, the rural parts of this state, to be brought up against it, we seem to forget that we have people that live there. And I'm going through it with the national park deal. Same thing. Everybody cares about their own little world and forget about the people that live in these areas. And I'll tell you what, it's a shame. I'm ashamed of the people in this state; the way they act toward the way we're living today. Because today, this is about the have's and the have-not's and I want to thank you.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Mr. Speaker, Men and Women of the House, I also stand in support of the motion before us. As I've expressed before, town valuations should be modified as quickly as possible to reflect accurate valuations when a community faces a severe reduction due to loss in value of property such as a paper mill. In Jay, this has happened. The town granted an abatement to Verso Paper that reduced their value by over \$250 million, 27 percent of the mill's taxable value. In a community where the mill is 69 percent of the tax base, this is a huge loss and a burden to local property taxpayers.

The current distribution of state funds through the School Funding Formula will not recognize this reduction in value for several years and a school unit in Jay, Livermore, and Livermore Falls will suffer for this. Our communities suffered the loss of shoe shops, the Otis Paper Mill and now the reduction in value of the Verso Mill.

I am asking for your support in helping us through this. This is not a handout. It is what is fair. The bill would recognize the reduced value immediately and provide immediate assistance to provide funding to our schools. Again, as I've said before, the

education of a child in Jay is no less nor more important than the education of a child in Kittery, Fort Kent, or anywhere in between. We want to give our children the same opportunity to learn and grow and, therefore, we need to allocate our limited resources in a fair way to provide everyone with a fair opportunity. I'm asking for your support for the paper mill towns throughout the State of Maine and I urge you to vote "yes" on this bill, LD 281.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this problem is obviously a symptom of the larger problems in the paper industry, but it was made worse by recent changes in Maine law that helped growing towns and it inadvertently harmed towns that are facing sharp declines. I'm going to be supporting the motion currently on the floor partly because of the knowledge that Orono would look a lot more like towns like Millinocket if it weren't for the flagship of the University of Maine System and I think that when different parts of our state face problems like this, it's important for our state to act as a whole and help towns that need it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise because our committee worked on this bill. The Tax Committee spent a lot of time working on this legislation. I don't represent a town or a district that includes some of these towns, but I felt like it was important to rise just to let you all know that our committee worked with members of the Education Committee and that those members of the Tax Committee that supported the motion and are supporting it today do so having worked with a variety of members from both parties of the Education Committee who made sure to communicate with us in public about the impact of this bill on education policy.

I felt absolutely assured that there weren't going to be any detrimental effects to the school funding formula through this bill. I represent a town that has a very high performing school department and that was something that was very important to me. So I rise as somebody who's not from a town that would be immediately impacted by this bill. Learned about the gravity of situations in those towns and wanted to remind folks that the Education Committee felt comfortable with the places that this bill was going towards. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House, I have to stand in agreement and disagreement with my good friend from Medway. I agree that we are one Maine and that we have to look at policies that affect the whole state and not one region or the other. I disagree that southern Maine doesn't care, because I do care and I'm from southern Maine and I'll be supporting the pending motion.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Mr. Speaker, regarding this particular matter, there was another piece of legislation and it was the Town of Bucksport involved as well. And the Taxation Committee was able to make a fix in language to the Sudden and Severe language, which clarified for communities that want to go through that special process, which fiscal year they would be comparing their drop in valuation to.

So, the Bucksport school system is going to move forward this next fiscal year, the 2016 year, they're going to take a substantial hit due to the drop in valuation in the mill. However, that fix in language is going to allow that community the next year—I assume they've already started their application for Sudden and Severe which is the process that is in place for these communities—it'll allow them next year to achieve some relief. In other words the Taxation Committee, the citizens of Bucksport, the Representatives from Bucksport, they were able to thread the needle and they found a way.

I'm going to vote Ought Not to Pass on this measure, with my thinking that in all fairness to the folks of Bucksport and in all fairness to the other school systems in the State of Maine who would lose their share of \$2.9 million or so, they would also have the ability to use the process that is already in place and it is designed specifically for these communities that have one large employer and they lose that employer or a significant portion.

The other piece that I would mention is there are many, many smaller communities across the state—some of them with very, very few residents—that also lose or gain valuation in very dramatic fashions. And many of those communities are put together in rural school systems. And there is no relief mechanism for them. An example would be a person might own a large tract of forest land or a farm that might be half the geographical size of a town. And that changes hands. It changes uses and the valuation swings are dramatic. Those school systems and those taxpayers have no mechanism whatsoever to get any relief such as these towns that are affected by Sudden and Severe. So, like my colleague from Kennebunk, I would urge us to allow this to move forward. The system will take care of it. The folks have corrected one of the slight flaws that is in the current Sudden and Severe language.

My last note would be that regarding the entire thing, this body needs to take a real hard look at the Essential Programs and Services Funding Formula and look at the differences between opportunities for our students statewide.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 381

YEA - Austin, Bates, Beavers, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Noon, Parry, Peterson, Picchiotti, Pickett, Powers, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Shaw, Sherman, Short, Skolfield, Stanley, Stetkis, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh, Mr. Speaker.

NAY - Alley, Babbidge, Battle, Bickford, Chace, Corey, Crafts, DeChant, Dillingham, Edgcomb, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, McClellan, McElwee, Nadeau, O'Connor, Pierce J, Pierce T, Pouliot, Prescott, Reed, Seavey, Sirocki, Stearns, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Beck, Dion, Farrin, Herrick, Malaby, Nutting, Sanborn, Sawicki.

Yes, 87; No, 56; Absent, 8; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-478) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules, the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-478)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

SENATE PAPERS

The following Joint Order: (S.P. 551)

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the Senate, a bill amending the election laws.

Came from the Senate, **READ** and **PASSED. READ** and **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 473)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 22, 2015

The 127th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 636, "An Act To Provide Consumers of Health Care with Information Regarding Health Care Costs."

This bill requires insurance carriers to provide on their websites certain information to consumers regarding prescription drug coverage. Long have I been in favor of providing more information to consumers regarding health care costs, because I believe it encourages people to become educated purchasers of medical services.

This bill, however, creates unnecessary regulation that overlaps with existing federal law and regulation on the exact same issues. This bill is slightly different from federal regulation, and so we are forcing the insurance carriers in Maine to comply with the Affordable Care Act as well as the slightly different Maine law. There is no reason to be even more prescriptive than the Affordable Care Act.

For these reasons, I return LD 636 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To Provide Consumers of Health Care with Information Regarding Health Care Costs

(S.P. 229) (L.D. 636)

(C. "A" S-74)

In Senate, June 23, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

31 voted in favor and 3 against, and 31 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 382V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dillingham, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grohman, Guerin, Hamann, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Marean, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Battle, Black, Crafts, Greenwood, Hanington, Hanley, Long, McClellan, Stetkis, Timberlake, Turner.

ABSENT - Chenette, Devin, Duchesne, Frey, Gillway, Grant, Herrick, Hobbins, Jorgensen, Malaby, Martin J, Pierce J, Sanborn.

Yes, 126; No, 12; Absent, 13; Excused, 0.

126 having voted in the affirmative and 12 voted in the negative, with 13 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 474)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 22, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 819, "An Act Regarding the Taxation of Kombucha."

Kombucha is a small sub-category of wine. It is beverage alcohol under federal rules and Maine law. There is no defensible public policy reason why this category of beverage alcohol should receive special treatment. It is unfortunate that the sponsor chose to submit a bill that does nothing to help Maine taxpayers rather than to work to lower taxes for all Maine people.

For this reason, I return LD 819 unsigned and vetoed and I urge the legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act Regarding the Taxation of Kombucha

(S.P. 293) (L.D. 819)

(C. "A" S-213)

In Senate, June 23, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

30 voted in favor and 4 against, and 30 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 383V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Gattine, Gideon, Gilbert, Golden, Goode, Grohman, Hamann, Harlow, Herbig, Hickman, Hogan, Hubbell, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Black, Buckland, Campbell R, Chace, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Higgins, Hilliard, Hobart, Hymanson, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Martin R, McClellan, McElwee, Nutting, O'Connor, Parry, Pickett, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Chenette, Devin, Duchesne, Frey, Gillway, Grant, Herrick, Hobbins, Jorgensen, Malaby, Martin J, Pierce J, Sanborn.

Yes, 76; No, 62; Absent, 13; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, with 13 being absent, and accordingly the Veto was **SUSTAINED in NON-CONCURRENCE.**

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

The Following Communication: (S.C. 475)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 22, 2015

The 127th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1441, "An Act To Establish the Public Higher Education Systems Coordinating Committee."

Earlier this month, the leaders of the University of Maine System and Maine Community College System entered into a historic agreement that improves credit transferability throughout the State of Maine, making higher education in Maine more accessible and affordable. This has been a long time coming and did not take place because of a Committee created by statute. It was the result of the Chancellor, the Interim President, the Boards, and the appropriate staff collaborating together.

Surely, the Legislature has more faith in our public institutions of higher education than to believe the leaders would not meet with each other unless compelled by law. The existing Education Coordinating Committee has been ineffective for years. I would have been happy to support the repeal of that Committee, but I will not support a new legislative mandate that is likely to be equally ineffective. For this reason, I return LD 1441 unsigned and vetoed and I urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE.**

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Establish the Public Higher Education Systems Coordinating Committee

(S.P. 543) (L.D. 1441)

In Senate, June 23, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

34 voted in favor and 0 against, and 34 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 384V

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Marean, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Buckland, Crafts, Dillingham, Long, Timberlake.

ABSENT - Chenette, Devin, Duchesne, Farrin, Frey, Gillway, Grant, Herrick, Hobbins, Jorgensen, Malaby, Martin J, Pierce J, Sanborn.

Yes, 131; No, 6; Absent, 14; Excused, 0.

131 having voted in the affirmative and 6 voted in the negative, with 14 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 478)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2015

The 127th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2-A of the Constitution of the State of Maine, I am hereby executing line-item veto of an allocation contained within LD 260, "Resolve, To Create a License Plate To Recognize the Centennial of the United States Navy Reserve." The line-item veto is reflected in the enacted bill.

I am a strong supporter of our military and believe we owe a debt of gratitude to all of our veterans. However, I have serious concerns when a bill gives special recognition to one branch of our nation's military over others. We must recognize all branches of military equally, as we do with the men and women who have fought so bravely protecting our freedom.

This bill also takes limited resources out of the Highway Fund at a time when our roads and bridges require significant financial investment. The Constitution of Maine sets constraints on Highway Fund dollars, and my Administration has consistently defended its use to ensure the State meets its obligation to fund the vital infrastructure, such as quality roads, safe bridges and modern ports, that drives our economy.

We must ensure that as much funding as possible goes to our core transportation infrastructure, which benefits every Mainer.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

Pursuant to Article IV, Part Third, Section 2-A the accompanying line item vetoes on Resolve, To Create a License Plate To Recognize the Centennial of the United States Navy Reserve (EMERGENCY)

(S.P. 98) (L.D. 260)
(C. "A" S-11)

The accompanying line item veto

**SECRETARY OF STATE, DEPARTMENT OF
Administration – Motor Vehicles 0077**

Initiative: Provides funding for materials to manufacture 1,800 special commemorative license plates celebrating the United States Navy Reserve centennial.

HIGHWAY FUND 2015-16

All Other ~~\$4,000~~ \$0

In Senate, June 23, 2015, This dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

32 having voted in the affirmative and 0 in the negative, and accordingly it was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION.**

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

The SPEAKER: The pending question before the House is 'Shall this dollar amount become law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 90 voted in favor of the same and 38 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**SECRETARY OF STATE, DEPARTMENT OF
Administration – Motor Vehicles 0077**

Initiative: Provides funding for materials to manufacture 1,800 special commemorative license plates celebrating the United States Navy Reserve centennial.

HIGHWAY FUND TOTAL ~~\$4,000~~ \$0

In Senate, June 23, 2015, This dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

31 having voted in the affirmative and 0 in the negative, and accordingly it was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION.**

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker, I just want to make sure that the board accurately represents sort of where we're at.

The SPEAKER: Currently before the House is Supplement No. 12, item 2-4, line item veto. Currently reflected on the board, I'm being told, because the configuration of the computer software is reflecting Supplement No. 51. It is accurate, but to clarify for all Members, we're doing a line item veto 2-4 on Supplement No. 12 on paperless chamber, and it's been distributed for those who receive paper copies. What is reflected in the green print up there: 4,000 to change of zero is accurate in terms of what the Chief Executive line item vetoed.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

The SPEAKER: The pending question before the House is 'Shall this dollar amount become law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 89 voted in favor of the same and 40 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands

(H.P. 254) (L.D. 388)

(C. "A" H-297)

PASSED TO BE ENACTED in the House on June 22, 2015.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses

(S.P. 376) (L.D. 1073)

(C. "A" S-253)

PASSED TO BE ENACTED in the House on June 22, 2015.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

Non-Concurrent Matter

Bill "An Act To Stop the Abuse of Electronic Benefits Transfer Cards"

(H.P. 420) (L.D. 607)

Report "B" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-246) AS AMENDED BY HOUSE AMENDMENT "A" (H-402)** thereto in the House on June 22, 2015.

Came from the Senate with Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-245) in NON-CONCURRENCE.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Promote Minimum Wage Consistency"

(S.P. 494) (L.D. 1361)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on June 22, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-142)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Require Screening and Testing for Illegal Substances of Beneficiaries under the Temporary Assistance for Needy Families Program"

(H.P. 955) (L.D. 1407)

Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** in the House on June 22, 2015.

Came from the Senate with Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-460)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 477)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

June 22, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

House Paper 614, Legislative Document 895, "Resolve, Directing the Real Estate Commission To Convene a Stakeholder Group on Real Estate Licensure Requirements," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Resolve become a law notwithstanding the objections of the Governor?"

16 voted in favor and 18 against, and accordingly it was the vote of the Senate that the Resolve not become a law and the veto was sustained.

House Paper 907, Legislative Document 1335, "An Act To Amend the Election Laws," having been returned by the Governor, together with objections to the same, pursuant to

Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

17 voted in favor and 17 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Reverse Jail Consolidation

(S.P. 61) (L.D. 186)

(C. "A" S-304)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding the Treatment of Forensic Patients

(H.P. 941) (L.D. 1391)

(C. "A" H-479; H. "A" H-487)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 143 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Provide Income Tax Relief by Expanding Gaming Opportunities"

(H.P. 876) (L.D. 1280)

Report "A" (7) **OUGHT TO PASS AS AMENDED** of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)** in the House on June 23, 2015.

Came from the Senate with Report "C" (2) **OUGHT NOT TO PASS** of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative PARRY of Arundel, the House voted to **RECEDE**.

The same Representative moved that the House **ACCEPT** Report "D" **Ought to Pass as Amended**.

Representative LUCHINI of Ellsworth **REQUESTED** a roll call on the motion to **ACCEPT** Report "D" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion and I hope if folks voted in support of the motion earlier this afternoon that they will continue with that and vote in support of the motion before you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "D" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 385

YEA - Austin, Bates, Battle, Beck, Bickford, Black, Bryant, Buckland, Campbell J, Chace, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farrin, Foley, Fowle, Fredette, Gerrish, Gilbert, Ginzler, Grant, Greenwood, Grohman, Hanington, Hanley, Hawke, Hickman, Higgins, Hobart, Hobbins, Hogan, Kinney J, Kinney M, Long, Maker, Marean, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, Noon, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pouliot, Prescott, Russell, Sanderson, Saucier, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tucker, Turner, Vachon, Verow, Wallace, Warren, Welsh, White, Wood.

NAY - Alley, Babbidge, Beavers, Beebe-Center, Blume, Brooks, Burstein, Campbell R, Chapman, Chipman, Cooper, Crafts, Dillingham, Espling, Farnsworth, Fecteau, Frey, Gattine, Gideon, Golden, Goode, Guerin, Hamann, Harlow, Head, Herbig, Hilliard, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Martin J, McClellan, Morrison, Peterson, Pierce T, Powers, Reed, Rotundo, Rykerson, Schneek, Stearns, Timberlake, Tipping-Spitz, Tuell, Wadsworth, Ward, Winsor, Mr. Speaker.

ABSENT - Chenette, Devin, Duchesne, Gillway, Herrick, Malaby, Pierce J, Sanborn.

Yes, 87; No, 56; Absent, 8; Excused, 0.

87 having voted in the affirmative and 56 voted in the negative, with 8 being absent, and accordingly Report "D" **Ought to Pass as Amended was ACCEPTED.**

Committee Amendment "C" (H-493) was READ by the Clerk and ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-493) in NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

Bill "An Act To Increase Access to Health Security by Expanding Federally Funded Health Care for Maine People"

(H.P. 588) (L.D. 854)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-470)** in the House on June 23, 2015.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ and ACCEPTED** in **NON-CONCURRENCE.**

The House voted to **INSIST.**

COMMUNICATIONS

(2-1) The Following Communication: (H.C. 295)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 335, "An Act To Restrict the Sale of Dogs and Cats in Pet Shops."

This bill, often referred to as the "puppy mill bill," falls short of its intended goal. Supporters of this bill are under the impression that it regulates unethical animal-breeding practices, but it simply creates more anti-business red tape. The true thrust of this bill is regulating pet shops into eventual oblivion.

This bill limits the sale of cats and dogs at pet shops. Proponents argue that existing pet shops are "grandfathered" under this bill. That is correct, but only if these pet shops are continually licensed by the same owner at the same location. This is a major restriction on what these businesses can do in the future. It destroys equity by limiting the ability of a pet shop owner to pass on their business or simply move down the block.

I cannot support this heavy-handed regulatory approach to this issue. For this reason, I return LD 335 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Restrict the Sale of Dogs and Cats in Pet Shops

(H.P. 229) (L.D. 335)

(C. "A" H-275)

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I know I've gotten up and spoken about this bill, but I'm making one last attempt. You've seen a floor sheet go around just confirming some of our views one more time on this bill and the importance of this bill. All I'm going to just say one more thing is this: is that this is not a bad business bill. No new puppy-selling pet shop has opened in Maine for more than eight years. Not one. In the last six years, five puppy-selling pet shops have gone out of business. Only five remain, relying on the sale of commercially-raised puppies even while the public has strong concerns about the sourcing of these puppies. It is a business model that is no longer in line with today's public opinion of large-scale commercial breeding of animals. And so, for that, I ask you to please help us override this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, if you'd seen what went on over in Buxton with the animals over there, you'd understand what this bill's all about. That's all I can say.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 386V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Noon, Parry, Peterson, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Winsor, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, Martin J, McClellan, McElwee, Nadeau, Nutting, O'Connor, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Chenette, Devin, Duchesne, Gillway, Herrick, Malaby, Sanborn.

Yes, 80; No, 64; Absent, 7; Excused, 0.

80 having voted in the affirmative and 64 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 296)

STATE OF MAINE OFFICE OF THE GOVERNOR 1 STATE HOUSE STATION AUGUSTA, MAINE 04333-0001

June 23, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1215 "An Act To Provide Lower Energy Costs to Maine Businesses and Residences by Carrying Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust."

This bill corrects the Legislature's mistake in energy legislation that passed in 2013, which increased fees on electric bills to create more spending for energy efficiency. The mistake was determined through a Public Utilities Commission proceeding in March.

Immediately after the PUC's decision, two of the authors of the original bill, a Republican and a Democrat, requested a meeting to discuss a way forward. We determined a sensible way forward would be to correct the mistake, but also to create a higher level of oversight of Efficiency Maine Trust, similar to that of other quasi-governmental agencies. Subjecting the Executive Director of Efficiency Maine Trust to a standard confirmation process was

a common-sense proposal, since this individual controls annual spending of more than \$60 million in Maine ratepayers' money.

Unfortunately, the Natural Resources Council of Maine, an environmental activist group, rushed to shield the Executive Director from public scrutiny and to disenfranchise Maine ratepayers from having a say in how their hard-earned money is being spent.

NRCM, which keeps liberal legislators on a tight leash, exploited the issue of making Efficiency Maine Trust accountable to the Maine people by using it as a shameless fundraising opportunity. Liberal legislators assailed the PUC for the mistake the Legislature made in its law and attacked an extremely well-qualified nominee to the PUC. The entire episode has been a colossal waste of time. Sadly, it's just business as usual for liberal lawmakers in Augusta.

This bill includes the fix for the previous energy bill, but does not include the changes to make Efficiency Maine Trust subject to the standard confirmation process. It leaves Efficiency Maine Trust with no accountability to the Maine people who fund it.

For these reasons, I return LD 1215 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Provide Lower Energy Costs to Maine Businesses and Residences by Carrying Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust

(H.P. 833) (L.D. 1215)

(C. "A" H-113)

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 387V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dillingham, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Chenette, Devin, Duchesne, Gillway, Herrick, Malaby, Sanborn.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

ENACTORS

Acts

An Act To Clarify the Immigration Status of Noncitizens Eligible for General Assistance

(S.P. 137) (L.D. 369)

(S. "A" S-292 to C. "A" S-271)

An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs

(S.P. 451) (L.D. 1246)

(C. "A" S-280)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Ensure the Integrity of the Temporary Assistance for Needy Families Program"

(H.P. 782) (L.D. 1144)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 23, 2015.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320) AND SENATE AMENDMENT "A" (S-312)** in **NON-CONCURRENCE**.

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, this bill has come amended from the other body and it offers true welfare reform in our TANF program. I hope you will all support the Recede and Concur motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 388

YEA - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Higgins, Hilliard, Hobart,

Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

ABSENT - Chenette, Devin, Duchesne, Gillway, Herrick, Hickman, Hobbins, Malaby, Sanborn.

Yes, 67; No, 75; Absent, 9; Excused, 0.

67 having voted in the affirmative and 75 voted in the negative, with 9 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

COMMUNICATIONS

The Following Communication: (S.C. 479)

STATE OF MAINE

OFFICE OF THE GOVERNOR

1 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0001

June 23, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1136, "An Act To Amend the Maine Business Corporation Act."

Far too many legislators make solemn-sounding promises to the voters who elect them, then sweep them aside as soon as they step foot into the exclusive, club-like atmosphere of the State House. Their giddy eagerness to get along with colleagues on both sides of the aisle swiftly supersedes their sworn duty to the people who sent them to Augusta.

This Legislature delayed its responsibilities for five months, negotiated a last-minute budget deal behind closed doors and is now passing bills at breakneck speed, just so they can pack up and go home for the summer. While they are busy high-fiving each other for hastily passing bills they haven't even read, the Maine people are left disenfranchised and without true representation.

Maine voters in last November's election clearly endorsed tax and welfare reforms, but this Legislature has denied them their Constitutional right to debate the issues at the ballot box.

Mainers deserve to know how their elected officials voted on public policies that could affect the future of our State. Therefore, to ensure each piece of legislation gets the widest possible representation in Augusta, legislators will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call.

For this reason, I return LD 1136 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Amend the Maine Business Corporation Act

(S.P. 405) (L.D. 1136)

(C. "A" S-233)

In Senate, June 23, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 389V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Chenette, Duchesne, Gillway, Guerin, Herrick, Malaby, Sanborn, Timmons.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

ENACTORS

Emergency Measure

Resolve, To Modify the State Valuation of the Towns of Madison, Skowhegan, East Millinocket and Jay To Reflect the Loss of Valuation of Major Taxpayers in Those Towns

(H.P. 199) (L.D. 281)

(C. "A" H-478)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative McCABE of Skowhegan, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-478)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-500) to Committee Amendment "A" (H-478)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **ESPLING**: Just wondering if the Representative could explain his amendment.

The SPEAKER: The Representative from New Gloucester, Representative Espling, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, this right now removes the Emergency Preamble and it also creates a different fiscal note. So, from here forward, it will have to go back to the other body for action in that body and then will end up on the Appropriations table.

Subsequently, **House Amendment "A" (H-500)** to **Committee Amendment "A" (H-478)** was **ADOPTED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-478) as Amended by House Amendment "A" (H-500)** thereto.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-478) as Amended by House Amendment "A" (H-500) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 390

YEA - Alley, Austin, Bates, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Dunphy L, Dunphy M, Evangelos, Farnsworth, Farrin, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Parry, Peterson, Picchiotti, Pickett, Powers, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Shaw, Sherman, Short, Skolfield, Stanley, Stetkis, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Babbidge, Battle, Bickford, Buckland, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Foley, Fredette, Gerrish,

Ginzler, Greenwood, Hanington, Hanley, Hawke, Head, Higgins, Hilliard, Hobart, Hubbell, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sawicki, Seavey, Sirocki, Stearns, Sukeforth, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Chenette, Duchesne, Gillway, Guerin, Herrick, Malaby, Sanborn, Timmons.

Yes, 88; No, 55; Absent, 8; Excused, 0.

88 having voted in the affirmative and 55 voted in the negative, with 8 being absent, and accordingly **Committee Amendment "A" (H-478) as Amended by House Amendment "A" (H-500)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-478) as Amended by House Amendment "A" (H-500)** thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The Following Communication: (S.C. 480)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1074, "An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime."

This bill would make criminals of those who destroy or damage crops, forest products, personal property or roads that are located on public easements. It also exempts emergency responders from criminal liability if they cause damage while performing their duties during an emergency.

I cannot support a bill that carries with it such an exemption for emergency responders. If the Legislature believes that certain activity is so damaging to society that it deserves to carry with it criminal liability, then everyone should be subject to the same standard. If this bill were to become law, then someone who is not an emergency responder or is a member of another exempted class could be charged with a Class E crime, even if they too were responding to an emergency. I think this would result in an injustice.

For this reason, I return LD 1074 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Make Damaging a Public Easement with a Motor Vehicle a Class E Crime

(S.P. 377) (L.D. 1074)

(C. "A" S-209)

In Senate, June 23, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

33 voted in favor and 2 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 391V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Buckland, Greenwood, Hanington, Hanley, Hawke, Long, Lyford, McClellan, Stetkis.

ABSENT - Chenette, Duchesne, Gillway, Guerin, Herrick, Malaby, Sanborn, Timmons.

Yes, 134; No, 9; Absent, 8; Excused, 0.

134 having voted in the affirmative and 9 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 481)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 23, 2014

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 856, "An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs."

I veto this bill not because I dislike the concept of what it is trying to accomplish, but because it does not go far enough. When we

are determining income criteria for eligibility in programs such as this one, we need to make sure we are not excluding individuals who would benefit the most from the program.

For this reason, I return LD 856 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs

(S.P. 300) (L.D. 856)

(C. "A" S-224)

In Senate, June 23, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 392V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Buckland, Greenwood, Kinney M, Lockman, Lyford, Sanderson, Sirocki, Stetkis, Timberlake.

ABSENT - Chenette, Duchesne, Gillway, Guerin, Herrick, Malaby, Sanborn, Timmons.

Yes, 134; No, 9; Absent, 8; Excused, 0.

134 having voted in the affirmative and 9 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 482)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

June 23, 2014

The 127th Legislature of the State of Maine
State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 454, "An Act To Enact the Student Information Privacy Act."

I strongly support protecting the privacy of students in Maine and I believe this bill has a number of positive attributes, including its assertion that parents should have the ultimate say over their children's privacy. However, I also believe that student privacy legislation should not slow learning, educational research or innovation, and I am concerned that, as drafted, this bill would do just that.

Many of these concerns would require only minor fixes, and I call on the Legislature to make these changes and send me a bill that I can sign. For example, the bill's definition of "targeted advertising" should not include advertising to a student based on a single search query. No other state addressing privacy issues takes this approach. This provision would prohibit ever presenting a link to a commercial website in search results presented to students from a school service. This is such a broad restriction that it would prevent students from obtaining information from a wide range of sources. If, for example, a student requests additional resources to help her understand the cause of WWI, the school service provider should be permitted to show results in response to that query (e.g., that "The Guns of August" might be helpful) without that being considered "advertising".

There are two simple ways to fix this issue: (1) Add "does not" to the definition of "targeted advertising" or (2) add a general exception to the bill's prohibitions to permit "Responding to a student's search query, other request for information or for feedback without the information or response being determined in whole or in part by payment or other consideration from a third party."

Further, this bill should regulate information that actually *personally* identifies students – and not pointlessly regulate information that does not identify a student or does not impact student privacy.

For this reason, I return LD 454 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Enact the Student Information Privacy Act

(S.P. 183) (L.D. 454)

(C. "A" S-222)

In Senate, June 23, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 393V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Sawicki, Schneek, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Buckland, Dillingham, Lockman, Lyford, Stetkis.

ABSENT - Chenette, Duchesne, Gillway, Guerin, Herrick, Malaby, Sanborn, Timmons.

Yes, 138; No, 5; Absent, 8; Excused, 0.

138 having voted in the affirmative and 5 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

Evaluation Unit" (H.P. 974) (L.D. 1428), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ENACTORS

Acts

An Act To Create Jobs in Aroostook and Washington Counties

(H.P. 520) (L.D. 767)

(H. "B" H-497 to C. "A" H-302)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Enhance Energy Cost Reduction and Facilitate Heating Alternatives in furtherance of the Omnibus Energy Act" (EMERGENCY)

(H.P. 839) (L.D. 1221)

Which was **TABLED** by Representative GIDEON of Freeport pending **FURTHER CONSIDERATION**.

On motion of Representative WADSWORTH of Hiram, the House voted to **RECEDE**.

On further motion of the same Representative, **House Amendment "C" (H-485) to Committee Amendment "A" (H-386)** was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED House Amendment "D" (H-499) to Committee Amendment "A" (H-386)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-386) as Amended by House Amendment "D" (H-499) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-386) as Amended by House Amendment "D" (H-499)** thereto in **NON-CONCURRENCE** and sent for concurrence.

The Following Communication: (S.C. 484)

MAINE SENATE 127TH LEGISLATURE OFFICE OF THE SECRETARY

June 23, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Appropriations and Financial Affairs on Bill "An Act To Provide Funds to the Town of Millinocket Due to the Loss in Valuation of the Katahdin Paper Company" (H.P. 817) (L.D. 1184), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Health and Human Services on Bill "An Act To Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(S.P. 272) (L.D. 742)

(H. "A" H-417 to C. "A" S-129)

Which was **TABLED** by Representative GIDEON of Freeport pending the motion of Representative ESPLING of New Gloucester to **RECEDE AND CONCUR**. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette, and inquires to why the Representative rises.

Representative **FREDETTE**: Thank you, Mr. Speaker, Point of Order.

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Mr. Speaker, just to clarify what it is that we're actually voting on and what the yea's and nay's represent. Thank you.

The SPEAKER: The bill comes from the other body with the Resolution and accompanying papers being committed to the Committee on Veterans and Legal Affairs in Non-concurrence. If you are in favor of Receding and Concurring with the other body, you will be voting green. If you are opposed, you will be voting red.

A roll call having been previously ordered, the pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 394

YEA - Alley, Austin, Battle, Beck, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Doore, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fowle, Fredette, Gerrish, Ginzler, Golden, Greenwood, Grohman, Hanington, Hanley, Harlow, Hawke, Head, Hickman, Higgins, Hilliard, Hobart, Hobbins, Kinney J, Kinney M, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Monaghan, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

NAY - Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Farnsworth, Fecteau, Frey, Gattine, Gideon, Gilbert, Goode, Grant, Hamann, Herbig, Hogan, Hymanson, Jorgensen, Kornfield, Kruger, Mastraccio, McCreight, McLean, Melaragno, Moonen, Morrison, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

ABSENT - Chenette, Duchesne, Gillway, Guerin, Herrick, Hubbell, Malaby, Sanborn, Timmons.

Yes, 92; No, 50; Absent, 9; Excused, 0.

92 having voted in the affirmative and 50 voted in the negative, with 9 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The following items were taken up out of order by unanimous consent:

COMMUNICATIONS

The Following Communication: (S.C. 483)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

June 23, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report

from the Committee on Judiciary on Bill "An Act To Protect Certain Information under the Maine Human Rights Act" (H.P. 802) (L.D. 1171), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Veterans and Legal Affairs on Bill "An Act To Authorize a Casino To Benefit Federally Recognized Indian Tribes in the State" (H.P. 990) (L.D. 1446), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

After Midnight

ORDERS

On motion of Representative McCABE of Skowhegan, the following Joint Order: (H.P. 991)

Ordered, the Senate concurring, that in accordance with emergency authority granted under the Maine Revised Statutes Annotated, Title 3, Section 2, the First Regular Session of the 127th Legislature shall be extended for five legislative days.

READ.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Men and Women of House, we've done some good work, some bipartisan work in the last few days. There are some remaining items still with the other body so extending these days is appropriate so that we make sure that we can act on that work beyond July, I mean beyond June 30th. And, at this time, I hope that when we take this vote, folks will support this and will be prepared so that when we do come back July 16th, we can take up any remaining items as well as when we come back on the 30th. So, thank you very much.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, our conversations have sort of focused around trying to sort of finish up tonight before 11:59 p.m., so that we could leave one legislative day to focus on the 30th to come back and vote on the budget. And to the extent that now it's 12:10 p.m., I, quite frankly, would like to have an opportunity to speak to my caucus in regards to at least my understanding is, under the Constitution, we are allowed to extend two times, five legislative days, to complete the work of the Legislature. This would be the second time to do that. We have agreed to extend one time. Tonight is the expiration of that. Because we are at 12:10 p.m., the first five days, and to the extent that we are asking to extend that a second five days, I would like the opportunity to speak to my caucus to make sure that they are in agreement with that before we vote on this motion, because I don't want to make that decision on my own. And, so I would ask that this motion be Tabled until later in today's session. Thank you.

The same Representative moved that the Joint Order be **TABLED** until later in today's session pending **PASSAGE**.

The SPEAKER: The House will be in order. The Representative from Newport, Representative Fredette, has moved that this item be Tabled. The Tabling motion is out of order because the Representative made an argument prior to presenting the Tabling motion.

Subsequently, the Chair **RULED** that the motion was **OUT OF ORDER**.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Men and Women of the House, I spent some time in the Clerk's Office reviewing some of the bills that we are sort of...that remain out there. There are a number of bills, as I mentioned before, that sit on the table in the other body. There is also a number of bills that have yet to become law or be signed or move forward without the Chief Executive's signature, and I just sort of continue

to think of the number of bills, a lot of them good bipartisan bills, things that we debated on both sides of the aisle, things like the Lyme disease bill, some things around broadband. I believe in the possession of this body is still a gaming bill that seemed important to folks on both sides of the aisle. So I just want to make sure that when we go forward tonight, we think about all the things that we have still pending and that we take the appropriate action so that we can deal with those in an appropriate manner.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker, and I agree with the good Representative from Skowhegan. If we could recess for 10 minutes, just to allow our caucus to caucus this particular issue, then I think that we would probably have some sort of resolution to this.

On motion of Representative GIDEON of Freeport, **TABLED** until later in today's session pending **PASSAGE**.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Amend the State Election Laws" (S.P. 552) (L.D. 1449)

Reporting **Ought to Pass** pursuant to Joint Order 2015, S.P. 551.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

COMMUNICATIONS

The Following Communication: (S.C. 485)

MAINE SENATE 127TH LEGISLATURE OFFICE OF THE SECRETARY

June 23, 2015

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it Indefinitely Postponed Bill "An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands" (H.P. 254) (L.D. 388) and all accompanying papers, in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted Report "A" Ought to Pass as Amended from the Committee on Health and Human Services on Bill "An Act To Stop the Abuse of Electronic Benefits Transfer Cards" (H.P. 420) (L.D. 607), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted Report "A" Ought to Pass as Amended from the Committee on Health and Human Services on Bill "An Act To Require Screening and Testing for Illegal Substances of Beneficiaries under the Temporary Assistance for Needy Families Program" (H.P. 955) (L.D. 1407), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Health and Human Services on Bill "An Act To Ensure the Integrity of the Temporary Assistance for Needy Families Program" (H.P. 782) (L.D. 1144), in non-concurrence.

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Health and Human Services on Bill "An Act To Increase Access to Health Security by Expanding Federally Funded Health Care for Maine People" (H.P. 588) (L.D. 854), in non-concurrence.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ENACTORS Resolves

Resolve, To Modify the State Valuation of the Towns of Madison, Skowhegan, East Millinocket and Jay To Reflect the Loss of Valuation of Major Taxpayers in Those Towns

(H.P. 199) (L.D. 281)

(H. "A" H-500 to C. "A" H-478)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Acts

An Act To Upgrade the Concealed Handgun Permit Law

(H.P. 557) (L.D. 823)

(H. "A" H-385 to C. "A" H-309)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Ordered, the Senate concurring, that in accordance with emergency authority granted under the Maine Revised Statutes Annotated, Title 3, Section 2, the First Regular Session of the 127th Legislature shall be extended for five legislative days.

(H.P. 991)

Which was **TABLED** by Representative GIDEON of Freeport pending **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, my

understanding is, according to the Maine Constitution, this chamber is permitted to extend five legislative days, two separate times, under the Maine Constitution. We have already done that once. So, therefore, in terms of my read of the Maine Constitution, we are now at, under this Supplement No. 22, the opportunity for this body to vote on the extension of five additional days, under the Maine Constitution, to complete our work. I think it was our hope and our anticipation in the extension of the first five additional days that we would be able to complete our work, including the work that we would anticipate on June 30th in regards to the budget. Obviously, recognizing the hour, at 12:45 p.m., on the fifth day of the first extension of the five additional days, under the first vote of extending the legislative session five additional days, we've expended those days. I have requested and graciously thank the body for the opportunity to speak to my caucus in regards to the question before the body today on Supplement No. 22, in regards to the question of extending the second and final five days as permitted under the Maine Constitution, to complete the work of this session of the Legislature. Our caucus is focused on the work that we need to do in terms of completing the work on our budget and other items that may or may not be related to vetoes related to the Chief Executive and anticipation on maybe coming back on a second day beyond June 30th which may or may not be July 16th, which is also a day which is in conflict with a tour which I understand that is currently scheduled by a farming organization that would include members of this body. And so that would be a conflict. So, Mr. Speaker, I believe I speak on behalf of my caucus in terms of the fact that we are in support of extending the second and final five legislative days as permitted under the Maine Constitution, but, quite frankly, are frustrated by the slow pace of the work between the bodies, and believe that we should be able to complete that work in an expeditious way so that it doesn't take five additional days to complete that work. We would anticipate, my anticipation is that we would be able to anticipate that we would be able to come back on the 30th of June, complete some work on that day and come back on a second day, which may or may not be July the 16th, and complete some additional work that is required by this body on behalf of the people of the State of Maine, and then be able to complete that work in a timely fashion so that we don't have to use those complete five additional days. We have done, we have done our due diligence. We are here. It is 1 o'clock in the morning. So let's complete our work, let's do it in a timely fashion. There is no need to continue to be here five additional days. That's the message from my caucus, Mr. Speaker. Let's do this in a timely fashion, let's do it in a responsible way, let's do it in a reasonable way, and let's get the work done. We are committed to doing the work on behalf of the people of the State of Maine. Let's extend the five days, but let's get the work done in a timely fashion. Thank you, Mr. Speaker.

The Chair ordered a division on **PASSAGE**.

Representative McCABE of Skowhegan **REQUESTED** a roll call on **PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage. All those in favor will vote yes, those opposed will vote no.

Pursuant to 3 M.R.S.A., Section 2, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

ROLL CALL NO. 395

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Hickman, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Maker, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Buckland, Dillingham, Dunphy L, Farrin, Foley, Gerrish, Greenwood, Grohman, Hanington, Higgins, Kinney M, Lockman, Long, O'Connor, Sawicki, Seavey, Sirocki, Skolfield, Timberlake, Wadsworth, Wallace.

ABSENT - Chenette, Duchesne, Gillway, Guerin, Herrick, Kinney J, Malaby, Marean, Sanborn, Timmons.

Yes, 120; No, 21; Absent, 10; Excused, 0.

120 having voted in the affirmative and 21 voted in the negative, with 10 being absent, and accordingly the Joint Order was **PASSED**. Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 550)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, June 30, 2015 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative BROOKS of Lewiston, the House adjourned at 1:08 a.m., until 10:00 a.m., Tuesday, June 30, 2015, pursuant to the Joint Order (S.P. 550) and in honor and lasting tribute to Toni May, of Androscoggin County.